Bombay Gazette.

Volume 34. Wednesday, June 4, 1823. No. 1722.

Recorder's Court.

PLEA SIDE.

James Gathorne Remington, James Henry Crawford, Mathew Theodosius Dennis Devitre, and Mansfield Forbes, carrying on trade and business together in Copartnership at Bombay under the firm of Messrs. Remington, Crawford and Company.—Complainants.

VS.

Christopher Brown Boyce.—Defendant.

Sheriff's Sale.

NOTICE IS HEREBY GIVEN.

THAT on Friday the 6th Instant, will be continued the sale by Public Outcry by the Sheriff of Bombay (under and by virtue of a Writ of *Fieri Facias* issued in the above cause) at the said Defendant's Shop in the Fort.

COMMON Fowling Pieces, Gunpowder, Candles, Tea, Sugar Candy, Mocha Coffee, London Particular Madeira, Brandy, Hollands, Abott's Beer, Saddlery, coarse Cutlery, &c.

TUESDAY 10TH INSTANT.

An Assortment of English and China Plate, Jewellery, Plated Ware, Military Articles, Woollens, Boots and Shoes, Medicines, Perfumery, Hosiery, Stationery, Cutlery, single barrelled Guns, Nankeen, Bengal Table Cloths and Towels &c.

Catalogues may be had on the Premises.

H. GRAY.

BOMBAY, 4th June 1823. } *Sheriff.*

To be Sold,

THE HOUSE in Meadow's Street now in the occupation of H. P. HADOW and J. FAWCETT Esqs., the Property of WILLIAM MACKIE Esq. late of the Medical Establishment of this Presidency. Application to be made to SAMUEL SPROULE or G. C. IRWIN Esqs. the constituted Attorneys of the property.

Bombay, 28th May 1823.

Kempt and Co.

HAVE FOR SALE

On Commission,

A NEAT Buggy Harness, and a Chesnut Horse. Further particulars may be known on application.

Bombay, 4th June 1823.

Kempt and Co.

WILL SELL

BY PUBLIC AUCTION,

On Saturday the 7th Instant,

TO CLOSE AN ACCOUNT

A SMALL Quantity of French Claret and Champagne.

Bombay, 4th June, 1823.

TWENTY-NINTH.

Calcutta Lottery.

THE Price of Tickets having been raised at Calcutta, Mr. PRINSEP gives Notice that 135 Rupees will be the Price of those remaining unsold in his possession.

(2) Bombay, 4th June 1823.

Watch-making

NOTICE.

THE Public is hereby respectfully informed that the European Watchmakers Messrs. *Martelli and Huguenin*, (who have been regularly brought up to the profession)and who conducted the Establishment under the names of Messrs. *Martelli, Huguenin, and Narbel*, do not live any longer with Mr. Narbel in Nesbitt Lane, No. 2, and have separated from him, having been under the necessity of taking this step, in consequence of Mr. Narbel's having given them much trouble.

Messrs. Martelli and Huguenin have opened a Shop in Medows Street, situated between the two Dispensaries in the same Street. They will undertake to repair, IN A MASTERLY STYLE, all Kinds of Works, connected with *Watches, Chronometers, Musical Seals* and *Boxes* &c. and trust to please all those, who may honor them with their Orders.

They have also the honor to inform the Public, and all those concerned, that the works which have been undertaken at the late Shop in Nesbitt lane since the 3d of May last are not theirs and that they are not responsible for the mode in which they may have been conducted.

ANTONIO MARTELLI,

H. L. HUGUENIN.

BOMBAY,

3d June 1823.

Advertisement.

Eduljee Cursetjee & Sons

HAVE FOR SALE

ON COMMISSION

A NEAT and well finished Buggy in good Repair with a Steady Horse and Harness Complete for the sum of 1050 Rupees.

Bombay, 4th June 1823.

Mr. Higgs

WILL SELL

BY AUCTION,

AT HIS

STABLES,

This Day, the 4th of June,

AT FOUR O'CLOCK IN THE AFTERNOON,

A FRESH LOT OF

Arabian and Persian,

Horses,

THE whole of which will be knocked down without reserve.

Mr. HIGGS has also for Sale a Handsome Bengal Built Buggy, nearly new with Harness complete, Price 1000 Rupees.

Bombay, 4th June, 1823.

JUST LANDED

FROM THE SHIP

PIGGOTT,

Captain James Tomlin,

FROM LONDON,

And have been exposed

FOR PRIVATE SALE,

AT A

Warehouse

CLOSE TO

Messrs. Remington, Crawford & Co's

COTTON SCREWS

The following undermentioned Articles,

VIZ.

Hodgson's Beer.
Fresh Salmon in 3 lb. Jars.
Ditto Ditto 6 lb. Do.
Ditto in 10 lb. Cannisters.

Bombay, 4th June 1823.

Poona Races.

To Commence on TUESDAY, the 9th of December 1823.

FIRST DAY.

THE LANCASHIRE CUP value 100 Guineas given by the Officers of His Majesty's 47th Regiment free for all Arab Horses that have never started for Purse, Plate, Match, or Sweepstakes.—Weight 8st. 7lbs. *Heats, two miles.*—Entrance, 2 Gold Mohurs.

2d. A COLT'S PLATE, of 500 Rupees from the Fund, which a Sweepstakes of 3 Gold Mohurs each; free for all Colts. Weight for Age.—*Heats, 1½ mile,* 2 Gold Mohurs, entrance.

SECOND DAY, *Friday 12th.*

THE HAMPSHIRE CUP, value 100 Guineas, given by the Officers of His Majesty's 67th Regiment, free for all Arab Horses that have never won. Weight for age. *Heats; two miles.*—2 Gold Mohurs, entrance.

2d, THE POONA PLATE, of £100 from the fund, with Sweepstakes of 100 Rupees each, free for all Arab Horses carrying 8st. 5lbs. winners 7lbs. Extra. *Heats, three miles*—Entrance, one Gold Mohur.

THIRD DAY, *Tuesday 16th.*

THE HUNTER'S PLATE of 600 Rupees from the fund, with a Sweepstakes of 3 Gold Mohurs each, free for all Horses carrying 10st. 7lbs.—*Heats, three miles.* The winner to be sold for 1200 Rupees, confined to the owners of Horses who enter for the Plate and to have preference as they come in.—Entrance 2 Gold Mohurs.

2d. A Give and Take of 600 Rupees from the fund with a Sweepstakes of 4 Gold Mohurs each, free for all Horses, 14 Hands carrying 8st 7lbs—*Heats two miles,*—Entrance 1 Gold Mohur.

FOURTH DAY, *Friday 19th.*

THE WHIP PLATE, of £ 50, from the Fund, with a Sweepstakes, of Ten Gold Mohurs each, free for all Horses, carrying 8 Stone, winners of one Race, 3lbs. of two or more, 5lbs. Extra.—*Heats 2½ miles.*

2d. THE PONEY PLATE, of 100 Rupees from the Fund, with a Sweepstakes of 3 Gold Mohurs each, free for all Ponies 12 Hands 2 Inches, carrying 7st. 7lbs.—under Catch weight one Gold Mohur, entrance.

FIFTH DAY *Tuesday 22d.*

THE POONA TURF CUP, value 100 Guineas, free for all Arab Horses.—*Heats two miles*; 14 hands, and aged, carrying 8st. 7lbs.

2d. THE BEATEN PLATE, of £50 from the Fund, with a Sweepstakes of 3 Gold mohurs each, for all Horses that have not been distanced during the meeting, to be weighted by the Stewards. *Heats 1½ miles* and a distance.

MEMORANDUM.

Colts who have a Colt's tooth in their head on the 10th September 1823, will be eligible to run, those from a distance must furnish a Certificate to that effect, and if they should drop theirs previous to entering, they will be required to carry 3lbs. Extra.

Horses to be weighted agreeable to the Byculla Standard.

A Horse being brought to the Stand without a Competitor, will receive one half of the value of the Plate, the first time, but in case of his being brought a second time, he will not be entitled to any thing, but the Race to be new modelled.

Mares and Geldings allowed 3lbs.

R. MITTON,
Secretary.

THE OFFICE of the QUARTER MASTER GENERAL has been removed from RAMPART ROW to Doctor PALMER'S House, nearly opposite LIMJEE BHICAJEE'S Shop, and close to the old Office of the Military Board.

Bombay, Saturday 31st May 1823.

For Freight

TO MADRAS AND BENGAL,

THE FAST SAILING SHIP

King George the Fourth,

(Formerly the Portuguese Ship Castro,)

HENRY BEYTS

Commander,

OF THE BURTHEN OF 430 TONS,

To sail between the 15th and 20th Instant,

FOR Particulars apply to TARRACHUND MOTICHUND, at the Office of JAMSETJEE JEEJEEBHOY and Co. or to the Captain on Board.

(3) Bombay, 4th June 1823.

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

Advertisement.

FOR SALE
AT THE
Gazette Office,

BLANK Bills of Exchange, Powers of Attorney, Interest and Respondentia Bonds, Policies of Insurance, Articles of Agreement between Master and Mariners, Bills of Lading, Boats Notes, &c. &c.

GENERAL ORDERS.

BOMBAY CASTLE, 23D *MAY* 1823,

By the Honorable the Governor in Council.

THE Hon'ble the Governor in Council is pleased to confirm an Order by the Officer commanding the Surat Division of the Army, dated 28th ultimo, appointing Lieutenant Jervis, Deputy Commissary of Stores, to the temporary charge of the Department of Commissary of Stores to the Division; and Lieutenant M. C. Decluzeau to hold the local control of the Arsenals at Broach and Surat, during the absence of Captain Campbell on leave to the Presidency.

The Governor in Council confirms Major General Wilson's nomination of Captain Edsall to take charge of the Commissariat at Surat, on Captain Long's departure for his station at Sholapore, and to retain that charge until the arrival of Captain Ellis from Cutch.

Bombay Castle, 26*th May* 1823.

The Honb'le the Governor in Council is pleased to direct that Captain I W. Aitchison, Compiler of the new Code of Military Regulations, prepare himself to proceed to Bengal on duty, under instructions he will receive from His Excellency the Commander in Chief.

By Order of the Hon'ble the Governor in Council,

W. NEWNHAM,
Chief Sec. *to Govt.*

Calcutta.

THE FOLLOWING ARE GENERAL ORDERS ISSUED TO HIS MAJESTY'S FORCES IN INDIA.

Head Quarters, Calcutta; 9th May, 1823.

No. 2926. GENERAL ORDERS.

The Nine Men belonging to the 44th Regiment pronounced by a Medical Committee unfit for further Service, are with the sanction of Government, to be held in readiness to embark for England on board the Ship Circassian.

The accounts and conditional discharges of the Invalids are to be made up into one packet, and handed over to the Commander of that Vessel, who will be requested to receive Charge of the same, and deliver them together with the Men to the Commandant of the first British Port he makes.

The Major General Commanding the Presidency Division, will be pleased to ascertain from the proper authority the intended date of the Circassian's departure from Calcutta, so as to regulate the Embarkation of the Invalids accordingly.

A Committee composed of a Captain as President with one Subaltern and one Assistant Surgeon, from the 44th Regiment, will proceed on board the Circassian for the purpose of making a minute inspection of the accommodations, &c &c. as directed in General Orders to His Majesty's Forces, No. 2548, of the 13th March 1822, and in Government Orders No. 118, of the 9th of August, of the same year.

The President of the Committee will receive Orders from the Quarter Master General of H. M. Forces, who will nominate the time, &c. &c. of its meeting.

The Reports and Certificates required by the General Orders above quoted are to be forwarded as therein directed with as little delay as possible.

By Order of His Excellency the Commander in Chief.

THOS. McMAHON, *Col. A. G.*

Head-Quarters, Calcutta; 10*th May*, 1823.

No. 2927. GENERAL ORDERS.

The Head Quarters of the 13th Light Infantry arrived from England, on the Honorable Company's Ship Kent, under the Command of Lieutenant Colonel McCreah, will with the sanction of Government be disembarked as soon as practicable.

Upon the arrival of the Troops off, or near Calcutta, Lieutenant Colonel McCreah or Officer Commanding, will forward a Return thereof to the Town Major Fort William.

By Order of His Excellency the Commander in Chief.

THOS. McMAHON, *Col. A. G.*

Head-Quarters, Calcutta; 12*th May*, 1823.

No. 2928. GENERAL ORDERS.

The second Division of the 13th Light Infantry arrived from England, on the Honorable Company's Ship General Kyd, under the Command of Major Sale, will with the sanction of Government, be disembarked as soon as practicable.

Upon the arrival of the Troops off, or near Calcutta, Major Sale, or Officer Commanding, will forward a Return thereof to the Town Major Fort William.

By Order of His Excellency the Commander in Chief.

THOS. McMAHON, *Col. A. G.*

Head-Quarters, Calcutta; 12 *th May*, 1823.

No. 2929. GENERAL ORDERS.

Bt. Captain Morrison of the 46th Regiment, has leave to proceed to Europe on his private affairs, and to be absent on that account for 2 years from the date of his Embarkation.

The leave granted by His Excellency General Sir A. Campbell, to Captain Carroll, Brigade Major to the King's Troops at Fort St. George, to proceed to Sea, on sick Certificate, and to be absent for 10 months on that account, is confirmed.

Captain Campbell of the 49th Regiment, will take charge of the Office of Brigade Major, during Captain Carroll's absence, or until further Orders.

By Order of His Excellency the Commander in Chief.

THOS. McMAHON, *Col. A. G*

To the Editor af the Gazette.

SIR

I have the pleasure to communicate a discovery, which cannot fail to interest your Readers. The following is an extract of a letter from a friend of mine in Europe. "Maximilien Jaubert writes to me that a Frenchman has discovered a method of reading the Hieroglyphics and that he has published his alphabet. Jaubert says that he has been able by means of this alphabet to read some words "J'ai lu a l'aide de l' alphabet en question, des inscriptions, on l'on trouve le nom de Cesar. de Cleopatra &c. avec leur titres et leur eloge cette decouvertte sera surtout importante pour l' histoire. Par elle on vient deja de fixer l' epoque ou a eté Sculpté notre fameux zodiaque de Denderat." Maximilien Jaubert is professor of modern Arabic in Paris and was Napoleons ambassador to Persia in 1805.

I am, Sir,
Your obedient Seryant.
H**** B*** M*****.
Civil Service.

The following Extract from the 24th Number of the New Monthly Magazine gives some Information on the same subject.

FRANCE.

Ancient Egyptian Literature.—The Moniteur of the 1st October contained a curious article on the several literary discoveries of M. Champollion, jun., known to the Savans by his Work entitled *L'Egypt sous les Pharaons.* It distinguishes, as the most important, the discovery that the Egyptians had three modes of writing; the *hierogliphique* or sacred, the *hieratique* or sacerdotal, and the *demotic* or popular, but all three painting directly ideas, and not indicating sounds or vocal signs. The second, however, was, in some modification, susceptible of expressing sounds. The signs which he has submitted to the Academy of Inscriptions, &c. are said to be equivalent to the vowels and consonants in the Greek language, and applicable to the interpretation of the hieroglyphick Inscriptions found on the Egyptian monuments. It is added, that Mr. C. has made out the names of Alexander the Great, the Ptolemies, Cleopatra, Berenice, and others; and, what is more remarkable still, that he has read the title, the names and surnames, of the Roman Emperors, Tiberius, Nero, Trajan, Adrian; that of the Empress Sabina, the titles Imperator, Cæsar, Augustus, the surnames Germanicus, Dacicus, &c. on the monuments of Philæ, Ombas, Thebes, Esnë'. and Denderah. The discovery of the alphabet of Phonick hieroglyphicks will. it is affirmed, be one of the most important in modern times, and the most fertile in its application to ancient learning. A Chronology of the monuments of Egypt, from the era of Cambyses, is promised.

COURSE OF EXCHANGE.

London 6 months sight 1s. 9d
Calcutta 30 days do. 104 to 105.
Madras ditto—99 per 100 Madras.
Surat 8, ditto —98 per 100 Surat.
Spanish Dollars, 219 Rs. per 100 ditto.

THE GAZETTE

BOMBAY.

WEDNESDAY, 4TH JUNE 1823.

On Monday evening the expected Ship Melpomene arrived, having left the Downs on the 10th of December, Madeira on the 29th December and the Cape of Good Hope on the 21st March. Though

she could make no addition to our stock of public intelligence, yet as being the bearer of a large packet, her arrival had been anxiously desired by many. The following is a list of the Passengers on board the Melpomene.—Mrs. Ducat, Miss Ducat, John Stirling, Henry Pickthale, Loyd Walker, Thos. Johnson.

In the Gazette of last Wednesday was inserted an extract from the Chronicle, announcing that the Purser of the Herefordshire and Farquharson had received their dispatches at the India House, and that those Ships would sail forthwith. The accuracy of which intelligence was confirmed by the arrival of the Herefordshire and Farquharson in Bombay Harbour before the Gazette was put to press. The fact is that sudden illness having rendered the Editor incapable of attending to his duties, these were kindly undertaken by a Friend, whose time was already almost engrossed by the business of his own Office. Hence arose some degree of hurry and confusion, in the midst of which the paragraph in question was heedlessly inserted.

Bombay

ARRIVALS.—Capt. Frederick Hick, 2d Extra Batt.
Cadet Joseph Tyndall, Infantry.
Ensign Thomas Tapp, B. E. Regt.
Capt. John Kerby, 4th Light Infantry.
Surgeon John Warner, 1st Batt. 7th Regt. N. I.
Lieut. G. B. Lemessurier.
Assistant Sur. D. Young, 4th M. N. S.
Assistant Surgeon L. Walker,
DEPARTURES.—Capt. John Clunes, 1st B. 6th Regiment.
Sub Assistant Surgeon Robt. Vaughan.
Cornet James Liddell 1st Rt. Light Cavalry.
Lieut. C. Blood, Artillery.

NAUTICAL NOTICES, CHRONICLE and NAVAL REPORT.

Bombay.

ARRIVALS.—May 28th, The H. C. Cruizer Thetis, Lieut. H. Wyndham, from Mangalore 13th, May.

June 2d Ship Melpomene (Free Trader) Capt Saml. Mowbrey, from London, 10th Dec. Madeira 29th Dec. Cape 21st, March.

3d. Schooner Fly, Commander J. H. Emmott, from Mocha.

PASSENGERS.

Per Melpomene.—Mrs. Ducat, Miss Ducat, John Stirling, Henry Peckthale, Lloyd Walker, Thos. Johnston.

Per Shooner Fly.—Capt. Thomas Skene, Master Skene, Mr. Skene, Mr. Patter Mr. Boyshaw, N. B late Commander and Officer of the Brig Pigeon.

DEPARTURES.—May 29th, Armed Ketch Vigilant Syrang Doss Mahomud to Tankaria Bunder and Surat.

June 1st, Brig Hamody, Nacqudah Goolam bin Mahomud to Malay Coast.

Do. French Brig Susanna, Henry Cotinean, to Pondichery.

3d. Ship Hannah; John Lamb, to London.

PASSENGERS.

Per Susanna.—Lieut. Rubock.

Per Hannah.—Mrs. Ann Inglis. Mrs. Taylor and Two Children, Miss Mary Forbes Inglis, Master Archibald Inglis, Archd Inglis, Esq. Capt. George Seaton late of the Ship Lowjee Family, Capt. Baker, 25th Reg. M. N. I.

SHIPS LOADING.

English.—H. C. Ship Farquharson, for China.
English, for do.
Bombay Castle, for do.
Elizabeth, for Bengal.
Futtay Eslam, for Bussorah.
Brig Futtay Savoy, for Penang.

Calcutta.

Arrivals.—May 10, H. C. Ship *Kent*, H. Cobb, from London 8th January.

PASSENGERS.—Mrs. Squire and 3 Children; Mrs. Grimes; Mr. George Paxia, Assistant Surgeon; Mr. Edward Darrell, Mr. Wm. Little, and Mr. Thos. Box, Cadets; Mr. John Bartlett, and Mr. Colmer Symes, Volunteers Pilot Service; 3 Field Officers, 3 Captains, 11 Subalterns, 2 Staff Officers, 314 Non-Commissioned Officers and Privates, 40 Women, and 49 Children, His Majesty's 18th Regiment Light Infantry.

May 11, H. C. Ship *General Kyd*, Alexander Nairne, from London 9th January.

PASSENGERS.—Mrs. Sale and an infant born on board; Miss Mary Sale; Miss Caroline Sale; Miss Julia Sale; Miss Henrietta Sale; Miss Elizabeth Don; Miss Isabella Don; Brevet Captain Jas. Donaldson. B. N. I.; Mr. Edward Deeds, Writer; Mr. Benjamin Harding, Merchant; Mr. John Christie, Mr. J. V. Forbes, and Mr. W. Anderson, Cadets; Mr. J. W. Hearn, and Mr. Andrew Scott, Free Mariners; Mr. Edward Astley, Cornet, and Mr. George Walden, Private, H. M. 11th Light Dragoons: Major R. H. Sale, Captains G. Thornhill, John Johnson, J. Macpherson, George Reed, and Clarke, Lieutenants Thomas Triphook, Robert Pattison, William Royne, H. L. Finling, Henry Havelock, R. M. Meredith, Arthur Schiel, John Petry, and James Gardner, Ensign A. Wilkinson, Mr. Jas. Henderson, Assist. Surgeon, 304 Non-Commissioned Officers and Privates, 38 wome, and 51 Children, H. M. 13th Light Infantry.

Ship Olive Branch, Thos. Kincaird, from Table Bay 21st February. Ship Mary, Norquoy, from Singapore 15th April.

Departures.—May 7. Ship Indian Oak, John Reed, for Penang and Eastward.

May 9. Ship Liverpool, J. Green, for the Isle of France.

May 11. Ship Bombay, S. Parker for Madras and Bombay.

May 12. Ship Ceres, Edward Hemer, for Penang.
Vessels gone to Sea. May 8. Thetis and Portsea.
May 12. Exmouth.
Vessels remaining at Diamond Harbour. May 13. (None.)
At Kedgeree. Catharine.
At the New Anchorage. H. C. Ships Royal George, General Kyd, and Kent.
At Saugor. Clydesdale.

Madras.

ARRIVALS.—May 17th, H. M. Schooner Tender Cochin, Capt. Tincombo, from Poondy 15th May.—Do. Ship Alexander, Captain R. Dickie, from Batavia 3d April—18th, Brig Guide, Capt. William Holloway, from Calcutta 23d April.

LIST OF SHIPPING IN THE ROADS.

H. M. Schooner Tender Cochin, Capt. Tincombo.
Ship Caledonia, Captain R. Carns.
Ship Union, Captain A. Fernier.
Ship Brilliant, Naqudah Nabob Abbas Ally Caun.
Ship Eliza, Captain T. E. Ward.
Ship Alexander, Captain R. Dickie.
Brig Covelong, Captain W. Scully.
Dutch Brig Favorite, Captain F. R. Davis.
Brig Guide, Captain W. Holloway.
Junk Tangui, Captain G. Thomson.

General Register of Marriages, Births, and Deaths.

Bombay.

MARRIAGES.

At Surat, on the 20th May, by the Rev. Mr. Jefreis, Mr. Conductor George Augustus Houston, of the Commissariat Department, to Miss Ann Elizabeth Nancy Cantrill.

BIRTHS.

On the 1st Instant, Mrs. M. Van Mispelaar, widow of the late Mr. Van Mispelaar, Jeweller, of a Son.

On the 10th May, at Sea on board the H. C. S. Farquharson, the Lady of Major John Taylor, of the 10th Regiment N. I. of a Daughter.

On the 28th May, the lady of Lieutenant Colonel Aitchison, Military Auditor General, of a son.

DEATHS.

On the 10th May, Instant at Baroda, Charles Augustus West Esq. Superintending Surgeon of the Surat division of the army, Mr. West was returning to Surat from his tour of duty through Candeish, when he was attacked with the Jungle fever which has in so many instances proved fatal to Europeans,. There have been few individuals more deservedly esteemed by an extensive circle of friends than Mr. West. Warm hearted generous and sincere, he was ever guided by the feelings and principles of a man of the highest sense of honor. His death is most deeply lamented by his friends, and has overwhelmed a disconsolate Widow with the greatest affliction.

On Friday the 30th ultimo, in the 26th year of her age Aliec, the wife of Mr. Conductor W. Clark, of the Commissariat Department. The fortitude and patience with which this woman bore a painful illness of about three weeks, and met slow approach of death, will long be remembered by all those who attended her, and witnessed the examplary resignation of her last moments; she has left a Disconsolate husband and an infant Son also numerous friends to deplore their irreparable loss.

Calcutta.

BIRTHS.

On Friday, the 9th May, at the house of Lieutenant-Colonel Paton, Chowringhee, the lady of John Crawfurd, Esq. Resident of Singapore, of a daughter.

On Monday the 12th May, Sarah, the wife of Mr. Thomas Churcher, of a Daughter.

On the same day, Mrs. F. Boezalt, of a Daughter.

DEATHS.

On the 9th May, in the Calcutta Great Gaol, John Mahon, aged 31 years, after a Confinement of nearly five years for debt, the three last years of which he was suffering under mental derangement.—He has left a Wife and an infant to deplore his loss, destitute of all means of support and without a friend (being a Foreigner in this Country.)

Madras.

MARRIAGES.

On the 12th instant, Mr. Jacob Thompson, to Miss Dolphina de Rozario.

On Wednesday, the 14th May, by the Rev. Vicenti de Esparança, Mr. P. Buckland, to Miss Mary Magdalene Borgonha, youngest sister of Mr. J. L. Borgonha, Serjeant Major of the 1st Bat. 19th Regiment Native Infantry.

BIRTH.

At Secundrabad, on the morning of the 11th May, the Lady of Capt. J. A. Willows, 10th Regiment, of a Daughter.

DEATHS.

On the 8th instant, at Vizagapatam, Mary Jane, third Daughter of Edward Smalley, Esq.

At Bangalore, on the morning of the 12th of May, Mrs. Paterson, the Lady of Major John Floyd Paterson, of His Majesty's 13th Light Dragoons.

Calcutta.

BANK OF BENGAL RATES

Discount on Private Bills,.....	5 0	Cent.
Ditto on Government Bills of Exchange,.....	3 8	per
Interest on Loans on Deposit, open date,.....	5 0	
Do. 2 Months Certain,.....	4 0	

BUY.] COURSE OF EXCHANGE. [SELL

1 11½ *a* 2¼ On London 6 Months sight, per Sa. Rs. 2 *a* 2

Bombay 30 Days sight, per 100 Bombay Rs. 92

Madras ditto, 94 *a* 98 Sa. Rs. per 100 Madras Rupees

Bills on Court of Directors drawn at 2-6 Exchange 26 *a* 28 per cent *premium*.

BANK SHARES—Premium 60 to 62 per Cent.

PRICE OF BULLION.

Spanish Dollars Sa. Rs.	206	4	*a*	206	8	per 100
Doubloons,.....	30	8	*a*	31	8	each
Joes, or Pezas,.....	17	8	*a*	17	12	
Dutch Ducats,.....	4	4	*a*	4	12	
Louis D'ors,.....	8	4	*a*	8	8	
Silver 5 Franc Pieces,...	190	4	*a*	190	8	per 100
Star Pagodas,.....	3	6½	*a*	3	7	6 each
Sovereigns,.....	10	12	*a*	11	0	
Bank of England Notes,	9	8	*a*	10	0	

CIVIL APPOINTMENTS.

TERRITORIAL DEPARTMENT,

THE 23D APRIL, 1823.

Mr. T. T. Metcalfe, to be Head Assistant in the Centre Division of the Dehlee Territory.

Mr. W. H. Valpy, Ditto Ditto in the Northern Division of Ditto.

Mr. Hugh Fraser, to be Sub-Secretary and Accountant to the Board of Revenue in the Western Provinces.

Mr. T. P. B. Biscoe, to be Head Assistant o the Secretary to the Board of Revenue in he Western Provinces.

THERMOMETER,—CALCUTTA 3D WEEK IN APRIL.

Tuesday 15th	6 A. M.	....	....	....	85
	2½ P. M.	....	....	....	100
Wednesday 16th	8 A. M.	....	....	....	90
	1 P. M.	....	....	....	102
	4 P. M.	....	. ..	windy	99
Thursday 17th,	6 A. M.	...	....	....	85
	1 P. M.	....	....	....	103
	4 P. M.	....	....	....	100
	The Heat excessive to the feel.				
Friday 18th	8 A. M.	....	....	....	90
	4 P. M.	....	....	....	103
Saturday 19th,	8½ A. M.	....	....	....	93
	12 P. M.	....	....	....	105
	5 P. M.	....	....	....	96
	Between 2 and 3 P. M. in the sun it was 144				
Sunday 20th	8¼ A. M.	....	....	....	95
	12 M.	....	....	....	104
Monday, 21st	6¾ A. M	....	....	....	84
	7 P. M.	.. .	....	....	86
	12 M.	....	....	windy	102
	5½ P. M.	....	....	....	94
HIGHEST RANGE.....					105
LOWEST DITTO.....					85
AVERAGE MEDIUM.....					95

MEDICAL REPORT.

The head of the atmosphere *continues* to encrease, and the *average* rate is now 95, three degress above that of the preceding week. On the 16th when the Thermometer was 105 in the shade it was 144 in the sun. The Scale of this Thermometer was a *metal* one, a circumstance which I believe influences much. Much wind has prevailed as usual at this Season; but absence of rain, has allowed the season to afford its usual portion of good health. Very little disease has prevailed, and that little chiefly arising from neglect on the part of the Individual, by imprudent exposure to heat, currents of air, or neglect of temperance.

Durhamtollah, April 25, 1823. P.

The following extract of a Letter just received from Monghyr, has been kindly handed to use by a Gentleman, as affording useful information to all passing that Station, and engaged in the transit of goods at this time of the year: and we eagerly embrace the opportunity to give circulation in the JOURNAL to this important public warning.

"Probably you are unaquainted with the state of the river at Monghyr; the river has cut away the land from the Ghauts, so that Boats which stop here a day or two, are in a great danger; for in case a North Wester should come on, they must inevitably be lost.

For your guidance, therefore, I have great pleasure in paying the postage of this, as it may probably be the means of saving agreat many thousands."

[*The India Gaz.—May* 15.

FRAUD.—A young country-born lad of the name of Sherbourne, who was formerly a clerk in the house of Messrs. Mackintosh and Co. has been for several months past forging promissory notes in the name of Messrs. Lamb and Co. of the Cossitollah, and has actually received to the amount of 10,500 Rupees on two notes, and was detected in discounting a third for 4000 Rs. This has been done several times, and one note has been taken up by dicounting another when any one fell due. We have been favored with a fac-simile of the note.

The Bills in question are said to have been very ill executed and according to the abovementioned fac-simile without a date. The last bill for 4000 rupees was not even signed "*Your Obedient Servants* like the others," and the signature was different from the others notwithstanding which it was discounted. We understand, that the parties are bound over to prosecute.

AGRICULTURAL SOCIETY.

A meeting of this interesting and useful association took place at the House of the President Mr. Leycester, in Chowringhee on Wednesday evening last. Owing to a sudden attack of indisposition, we are sorry to have to notice the absence of Dr. Cary, to whose exertions the Society has hitherto been so greatly indebted. The Rev. Dr. Marshman, being senior member was called to the chair, and some curious specimens of twine made from the fibres of different species of MUSÆ were presented to the meeting by the Secretary Dr. Wallich.

Dr. Tytler submitted specimens of the Artificial Wax, made into candles, which has lately been invented by Mr. John Tytler, Garrison Surgeon of Monghyr. This singular substance already noticed in our paper, is formed from vegetable oils, particularly castor oil, and we are happy to learn is considered by the Agricultural Society as comprehending a very curious discovery capable of application to several of the most useful domestic purposes.

The same gentleman also brought to the notice of the meeting, specimens of the terrible disease affecting the barley of the last harvest, by which a very considerable quantity of that important grain was destroyed in the Upper Provinces, and by means of which we learn that a large quantity of barley is annually ruined, and rendered unfit for food. Dr. T. likewise submitted samples of vitiated rice, and of the poisonous *otto* made from mixtures of the *Kun* or inner rind of this grain with farinacious substances. The observations of this gentleman, whose exertions in almost every branch of science are so well known to the Indian community, were, we understand, deemed of such importance to their interests that the Society with a degree of liberality wihch confers upon them the highest credit, have requested Dr. T. to submit an account of the observations made by him upon the subject of the diseases and vitiation of grain, with the view of their being recorded in the volume of their transactions which is expected to be laid in print before the world. We are gratified by also learning that this most useful institution is on the encrease, and that Mr. Ainslie and several other gentlemen have lately been admitted members.

[*Ben. Hurk.—May* 16.

Singapore.

Letters of the 15th of April, from Singapore, announce the perfect recovery of Colonel Farquhar, after the *kris* had actually entered so far as to touch the lungs. The inhabitants were so pleased at seeing him amongst them again that the first day he went out in his carriage, they took the horses from it and drew him home to his house.

We are sorry to learn that Captain Pearl of the *Indiana*, met with a sad accident at Singapore. As he was entering the house of a gentleman, he was seized by a South American blood hound, with which he had a scuffle for three quarters of an hour, and has been most terribly lacerated. All the people of the House ran away, and left him to his fate, in the most dastardly manner.

It is with much pleasure that we refer our readers to the following account with which as well as the foregoing ones, we have most kindly been favored. On the 1st of April was established, "the Singapore Native Institution," to which 25,000 dollars have already been subscribed. This institution consists of a Chinese College, a Malayan College, and a third, or Scientific Department. The three Patrons are Sir Stamford Raffles and Messrs. Wilberforce and Grant. Colonel Farquhar is Patron of the Chinese College, and the Reverend Mr. Hutchings of Penang of the Malayan one, and of the latter Captain Davis is trustee.

Bengal Hurkaru, May 14.

Oude.

We have the pleasure of announcing that Mr. Ricketts the Resident, with his Lady, have arrived at Lucknow, and that His Majesty the King of Oude, Colonel Price, Major Raper and the principal Officers in Cantonments, with 20,000 men, went out to meet them. We understand that this event is to be celebrated with great rejoicings at that capital.

Bengal Hurkaru, Ma. 15.

Madras.

MAY 19, 1823.

Rates of Exchange and Price of Company's Paper.

On England.—at 30 days sight 1s. 8½d. per Madras Rupee,
at 90 days' sight 1s. 9d. per do.
at 6 months' sight 1s. 9½d. per do.

On Bengal.—at 30 days' sight 93 to 95 Sicca Rupees per 100 Madras Rupees.

Company's Paper—Remittable 34 per cent. pm.
Unremittable nominal 8 to 10 "

APPOINTMENT.

Mr. G. J. Casamaijor, to be Assistant to the Chief Secretary to Government.

His Majesty's Ship *Dauntless*, G. C. Gambier, Esquire, Captain, sailed from Trincomalie for England on the 20th ultimo.—Passengers Lord H. Thynne, R. N. Lieutenant Gambier, R. N. and Master Lavalliere.

[Madras Courier,—May 20.

Ceylon.

MAY 3, 1823.

On Thursday the 1st instant the Sentence of the Supreme Court on Hattoodawegey Wattoo convicted at the last Matura Sessions of the Murder of two Children of his sister was carried into effect at Matura—The Prisoner disavowed any malice against the Children, stating that the blows which killed them had been meant for their mother at whose conduct he had taken offence.

South America.

LORD COCHRANE'S DEFENCE.

[*Concluded from our last Nunber.---Page* 383.]

The Extracts which you proceed to give from my letters, and your comments thereon, prove nothing but my boldness in speaking, Truth, and your anger at hearing it; and nothing can be more inconsequential than your inference, that according to my principles I may lay hands on any funds however sacred to satisfy my own caprice, or, as you more frequently describe it, my avarice. Then you ask, is it possible to believe the words, which you quote from one of my letters "that the promise of the greatest fortune could not cause me to deviate from the path of honor." of that honor, you are pleased ironically to say, which I have not failed to follow both in my own country and out of it. I shall answer this in no other way than by referring to your letter of the 13th day of August 1821, a copy of which I here to annex, in which you yourself, either with the view of rewarding my conduct which you now reprobate, an inconsistency of which I cannot accuse you, or having objects which I could not honorably promote and therefore did not promote, offered me a fortune equal to your own. And your fortune at that time was not considered by the world to consist solely (as you have since said it does) of the standard of Pizarro, which indeed was always as much mine as your's: if therefore you meant any thing by that offer, you meant what no avaricious man could have rejected. It follows then that you are now a calumniator, or were then a hypocrite.

The instances which you proceed to adduce of my disobedience of orders are so puerile as well as false, that nothing but a desire to divest you of every appearance of truth could induce me to notice them. I have one sweeping and conclusive answer to them all, which though I have given it before, I shall here repeat, namely that you divested yourself of all claim to obedience from me, when you shook off your allegience to my Government and assumed the character of an Independent Chief, in which you were not, when I was placed under your orders. As to the Spanish Schooner *Mercedes*, which you accuse me of taking possession of, after your orders to the contrary, and after her Captain had virtually, as you say, surrendered her to you by giving you up her papers, the facts are as usual very different from your statements. In the first place, the Captain had not brought her to Callao, nor anchored her at Boca Negro; but, from dread of the Chilian blockading Squadron, had landed on a barren part of the coast three leagues to leeward, and it was there, in the dark, during the absence of the Captain, that the Chilian Squadron took possession of her. The Captain in the meantime had gone to obtain orders for his further proceedings, imagining that Lima was still in the possession of his employers, the Spaniards; in consequence of which mistake, he and his Papers fell into your hands, and the Vessel into ours. We had taken possesion of the Vessel, you had taken possession of the Papers, and had ourselves anchored her at Boca Negro before the receipt of the letter from your Minister of Marine, requiring me to deliver her up. In that letter, he assigned your possession of the Papers as giving you a title to the vessel, and I answered by reminding him of another vessel, the Louisa, which the squadron had seized, and which afterwards escaped from the Port of Huacho, leaving her Papers in the hands of your Government. This was to show that possession of Papers was a very insecure title to a Ship, as it could not prevent her from escaping: and it is certain, that the Spanish Schooner Mercedes would also have escaped had she not been detained by the Squadron. After all, I never refused to give her up, though I do not then, nor have now the least doubt that she is our lawful prize and not yours. I waited with the view that the question of right should be settled by a competent tribunal, for I never considered you a good judge in your own cause.

Your next accusation, which respects my taking the stores out of the Ship Laura, which were stated by the Captain to be for the service of the Navy, save some articles particularly specified, which it was also my duty to the Government of Chili to take out, in order to prevent the expense of demurrage, is too contemptible for more particular reply. With as little ceremony I may safely dismiss your complaint abont the box of medicines, taken out of the Laura, and afterwards lost in the San Martin, though you repeat it again in your summary at the end, and even magnify it into a "robbing of the Medicines of the Army!" As to the next charge, that the San Martin was lost from my anxiety to sell the corn that was on board of her, my answer is, that this at any rate could be no breach of orders, as I had your directions in writing to land that corn at Chorellas, in order to its being sold to the poor at an inferior price, pursuant to your intention, as announced in the Lima Gazette of the 18th July 1821; a very cheap act of humanity on your part, as it was entirely at our expence. If I had previously contracted to dispose of it to Don Jose Arismenda, as you allege. I readily waived the benefit of that contract in favor of an act of benevolence, of which myself and the Squadron were to have the loss and you the credit. To assert that I lost a Ship through avarice, when you might as fairly have ascribed it to charity, is not the least iniquitous of your accusations. Your next charge, which appears to be the last in your Chapter of Disobedience, is, that I refused to give up 20 cases of Muskets and 20 barrels of Cartridges, which I had taken out of the Schooner Aransaza. I am really sorry there is not more truth in this accusation, as I should have better consulted my duty in disobeying your order than in complying with it. I did, however, immediately comply with it in part, by causing a moiety of those stores to be landed. As to the remainder, which I also gave up, on your second application; they were intended by me to replace in part those which I had lent you at your earnest solicitation before I suspected your object in disarming the Squadron, and when I had less reason to doubt the solemn promise upon honor, which you gave me more than once in writing; and which documents are now in my possession, that you would return the muskets I had lent you the moment it was practicable, with as many more as I wanted, and so free me from the responsibility of having lent you, contrary to my duty, even the last musket belonging to the Marines. It is needless to say, that you never performed your promise; but I may add, that I have your official refusal to comply with your solemn engagement on honor.

In the next place you appear to aim at a sort of climax, and say that notwithstanding you have already set forth crimes perpetrated by me, enormous and inexcusable, there are others behind of still greater magnitude; and then you allege; that I permitted persons to go forth with their property from Callao, when blockaded at a certain per centage, and allowed persons found on board the Vessels Lord Lyndock and St. Patrick to ransom themselves, notwithstanding an order from you to prepare a prison ship for their reception. To this I have to answer, that if there was any harm in my granting and charging for passports, the fault was your own, not only in setting the example but in compelling me to have recourse to that measure by your breach of faith with the Squadron; for it should be remembered, though you appear to have forgotten, that the sale of passports in question occurred *before* I hit on the happy expedient which so excited your rage, of availing myself of the fund at Ancon, and at a period when it was essential to the public service to raise money for the purpose of re-enlisting those seamen whose stipulated period of service had then expired; and both the fact and the object of it were duly reported to my Government. The truth is, I gave my passports to the Spaniards at a moderate rate for the public account, while you unmercifully exacted ten times as much, perhaps for your own. My sale of passports was in no respect injurious to any useful object of the blockade, while it actually contributed to the means of continuing it and was at once an act of humanity and utility to the cause. I can hardly believe, therefore, that it had any criminality in it, even in your eyes; except that of keeping the individuals out of your unconscionable gripe. The same

observations are applicable in the case of my granting passports to persons found on board the Lord Lyndock and St. Patrick: and besides, those Vessels were taken possession of by the Squadron, and your interference was as improper as it was unavailing. Don Aramburo, one of those individuals, can testify to his sorrow, how much he changed for the worse, when he chose to withdraw himself from my protection and place himself under your's.

"But of all the stains," say you, (this is the climax itself,)" which Lord Cochrane has cast upon his public character, no one was more horrible than that which we are about to bring to view: indeed, the incident which we are about to treat of, manifests that Lord Cochrane despises the most holy laws of honor and of truth, where his predominat passion of avarice is to be satiated." And then it turns out that this tremendous blast of your slanderous trumpet, is only to announce the dwarf of an allegation, that while engaged with the Squadron in blockading Callao, I made an offer to the Spanish Governor, of protection and safe conveyance to any country, of two-thirds of the property contained in the Fort, on condition of the remainder, together with the castles being given to the Squadron of Chili. This proposal, be it observed, was made immediately after you had thrown off your mask and proclaimed yourself an Independant Chief; immediately after you had signified your intention of breaking your engagements with Chili and the Squadron, and of not paying one farthing except in the way of purchase money, at a time too, when the Squadron were in a state of mutiny, from the want of necessaries, and your refusal of their stipulated pay: for this was prior to the seizure of the money at Ancon, though you have artfully placed it, as well as the affair of the passports, *afterwards*, with the view I have no doubt, of supporting your slanderous imputation, that a desire to enrich myself by getting possession of the property, and not the necessity of satisfying the seamen, was the cause of this proposal. Under these circumstances, and with a knowledge of your plots and intentions, I was not only justified in making such an offer, but my duty to my own Government, whose authority you had cast off, and the claims of the Squadron, actually demanded it. I say, under these most urgent circumstances: but even under any circumstances, would it not have been much better to have imposed duties to the extent of one-third on the large sums of money which were said to be deposited in the Forts of Callao by the Spaniards, than to allow the whole of it to be carried off by their own army as you did allow in the course of one month afterwards; when in contempt of you or your force, amounting to double their number, the army of Cantara entered the fortifications unmolested, and departed there-from with the money equally undisturbed. Would it not have been more in conformity with our official duty to have made the enemy either by force or negociation, contribute to the expences of the blockade, at least to the extent which I suggested, and after paying the Squadron, to have duly accounted for the overplus, which however contrary to your practice, has invariably been mine, than to have suffered our opponents to walk off with the whole of that property, as you most shamefully did? But as I shall speak a little more at large of your conduct on this occasion before I conclude, I shall now only add, that with respect to the transaction which you describe as so atrocious, an account of it and a copy of the very Document which you bring forward as a proof of my delinquency, were sent by me to the Government of Chili a few days after it was written, and nearly seven months before the date of your accusation.

You have the audacity and folly to add, that I aimed at the possession of the Fortress for the purpose of dictating Laws to Peru, and even setting at defiance the Government of Chili. This is too ridiculous to be answered seriously, though there was, I confess, one Law, which if the Fort had surrendered to the Squadron, I would have certainly dictated to you, I should certainly have insisted on your performing your solemn promise to the Peruvians of giving them the free choice of their Government; a promise which you were doubly bound to fulfil, as by violating it, you also set at nought and rendered nugatory that sacred assurance to the same effect which was given by the Supreme Director of Chili. in which his Excellency, implicitly relying on your co-operation and good faith, called on God and man to avenge the infraction of his solemn pledge.

There is something ludicrous in your snddenly descending from a subject which you describe, as the most horrible of all my enormities, to attack me respecting the jars of spirits which the seamen had found at Ancon hid in the drift sand of the desert. However, I do not wonder at your disapproving of my embarking those spirits, seeing that my object in so doing, as I stated to your Minister of Marine, was to prevent further confusion from the intoxication of the seamen during the watering of the ships at that place; and it is well known, that you are no enemy to confusion, especially from such a cause.

Having proceeded thus far in an attempt to destroy one who had conducted himself with fidelity towards you, until your views were evidently become incompatible with the oath which he as well as yourself had taken of fidelity to the Government of Chili, you are pleased to express yourself desirous not to fatigue the attention of the Minister of Chili, to whom your document is addressed, and with a view not to trouble him any further by any additions to so disgusting a production, you transmit him a Copy of the last letter which you say way was written by your Minister of Marine to me, in which you say he sets forth all my arts of insubordination, sordid greediness and neglect in the execution of my duties, together with the risks which my capricious conduct had occasioned, and all the rest of my manifold offences. Though you are careful throughout in giving the dates of other letters, you have not, I regret to observe, descended to this minute particular on the present occasion. It would have been some satisfaction to me to have been made aquainted with even the date of so important a letter addressed to myself, as I never had the honor of receiving the original. I conclude therefore that it was written (if at all) expressly for the purpose to which it is now applied, and that no such letter was ever forwarded to me: especially as I cannot think that Don Bernado Monteagudo, your Minister of Marine, would have ventured to visit me (as he did) on the 26th day of April, on my last arrival at Callao, after having sent me such a letter as that which you describe. It is true that he might have confided in my conviction that the act was yours, but still he must have been aware that it would have required no small exercise of forbearance to have prevented my chastising in an exemplary manner even the instrument of your defamation. Besides, I cannot imagine that he exceeded his commission at the visit in question when he assured me of the desire of your Peruvian Government to place me in the command of the United Squadron of Chili and Peru; stating that your Sub Delegado, the Marquis of Torre Tagle, had prepared his own private residence for my reception; that a brilliant medallion of the order of the Sun had been prepared for me, & that you yourself had written me a very kind private letter, and had only with held it, in consequence of receiving those Official Communications from me which I had forwarded to the Minister of War on the preceeding day even before the anchoring of the ships under my commaud in the Bay of Callao; and which communications reproached your Government with the perfidy committed in displaying the Peruvian and not the Chilian Ensign upon the Frigate Prueba and Venganza. Mr. Monteagudo, if he has any regard for truth, will acknowledge the correctness of this account, and that the substance of my reply was as follows: that I would not accept the command of the Peruvian Squadron, nor hoist my Flag in the Prueba, because I would not deceive the Peruvian Government by leading them to imagine that I would obey their orders that I would not accept of any honors or rewards, given by a Government constituted in defiance of solemn pledges, and uot emanating from the choice of the people, that I thanked the Marquis of Torre Tagle for the offer of his house, but declined to avail myself of the favor, nor would I ever put my foot in a country governed not only without Law, but contrary to Law. I may also observe, that your said Minister mentioned to me, as an additional document, your intention to take the Philippines, and stated that the fortune I might there amass would be immense: to which I replied, as I had done before, that such considerations had no effect on me; that my habits were frugal and my means sufficient.

Notwithstanding your reference to the pretended letter containing all my delinquencies, and your expression of a desire not to be tedious, you proceed to give a summary of the whole matter, introducing too, some fresh articles of charge, and even imputing to me as a fault the expedition to the Intermedios, for which you had previously thanked me as an important diversion in favour of the cause. As to the danger to which you represent Colonel Miller to have been exposed, whom you falsely accuse me of abandoning, it was his own fault, he having chosen to embark at Arica, instead of at Ilo, where I had placed vessels provisioned for his reception. You then attack me at once with a huge pair of enormities, like two giants born at a birth. Plunder and Piracy: the former on the coast of the Intermedios, and the latter on neutral vessels on the high seas during the said expedition. To repel the former, I can claim the assistance of all the inhabitants of upper Peru with whom I had any transactions. They can all testify, for me, what those of lower Peru cannot do for you, that they were all punctually paid for every article required. But as to the charge of piracy, I can only say, that if the neutrals in question had a passion to be pirated, I am not altogether to blame, for certain it is, I had no transactions with them except at their own request. They must have imagined that what you, in the excess of that scrupulosity which you have so suddenly assumed, are pleased to call piracy, that is to say, granting them license to debark their cargoes in the ports under my controul at a certain rate, was calculated to advance their own interests, for they actually petitioned me to that effect. All I did was to consent to their request, charging no more than 18 per cent. upon the original invoice, which moderate rate, I afterwards lowered in consideration of the difficulties which they represented, they anticipated in introducing their goods into the interior of the country. One of these vessels was the Admiral Cockburn before mentioned. In what respect those transactions were a discredit to, or a compromise of the public cause (as you allege) I am yet to learn. If indeed I had pocketted the price of these licenses, instead of placing it to the public account, it would be another matter. You expressly approved of all my conduct in this respect at the time; and the exclusive licences which you lately granted to a relation of your own to introduce goods into these ports, to the unjust exclusion of neutrals and all other vessels, demonstrate that so far from depretating, you have gone far beyond the example which you hypocritically affect to condemn. And here, once for all, I protest against any imputation of a propensity to recriminate; but there is a difference between simply preferring a false accusation and imputing to another the very crime which belongs only to yourself. In the latter case, to convict the accuser, is the readiest and completest defence, and hence it is, that I have so often convicted you in the course of this statement. Even the "disorganization of the Squadron," you ascribe to my instigation, and acts of arbitrary dismissal, though you are well aware that not an individual was dismissed except at his own request, or by sentence of a Court Martial, and though you cannot but be conscious of having yourself occasioned all the evil which subsequently occurred, first by your notorious want of faith in not fulfilling your promises of payment, and latterly by your intrigues to get the ships of war into your power and under the fortifications of Callao: and by enticing the Officers and men to inlist into your Squadron in which you were too successful.

It is hardly worth while to notice what you are pleased to term my "violation of public faith in opening the correspondence by the Ship Laura." The envelopes were endorsed "Impresos," or printed papers, and some of them being open at the end. I withdrew one copy of the many sent to you to be distributed at head-quarters. And of course I do not pretend to answer such general accusation as "scandalous abuse of power," "usurpation of authority" and "contempt of the orders of the Government of Chili;" not only because I in vain look into my own conduct for instances to correspond with the description, but because they are so notoriously applicable to yourself, more than to any other person in existence, that I should as soon think of defending myself from a charge of picking-pockets brought by a thief at the gallows, as from accusions of "usurped authority," and abuse of powers," preferred by San Martin.

I have now come to the conclusion of your accusations, and hope that I have answered them in a manner which the public will consider satisfactory. However, as you are pleased to ascribe all my actions to sordid motives. I may fairly take this opportunity of stating, that I have now served the republic of Chili for a period of four years, not only with the strictest fidelity but the utmost zeal, and I trust, I may add, with considerable benefit to the State; while my pay has not only been less than that of an officer of similar rank, in the British service, but without any allowance as table money—an allowance, which added to the salary of a British Officer of similar rank, (as it always is), gives him an income nearly double the amount of my present pay; if, indeed, that can be called pay of which I have never yet seen a single dollar except for my first two years (which was subjected to an unexpected discount of 25 percent, from the depreciation of the Government paper), having, by my authority been paid for the use of Lady Cochrane, pre-

vious to her departure to England, and the remaining two years being still unpaid. Neither have I, as annexed to my office, a house to live in, nor any allowance in its stead. An estate, however, which I have never seen, from which I have never derived one farthing of emolument, and which is still haunted by the Indians, was given me by the Government, but even that I offered to restore, in order to its being sold to pay the seamen, as appears by the Gazette, in which my offer was recorded. At Callao, when you refused to supply the stores and provisions requisite for the Squadron, I purchased and paid for them myself, out of monies in my hands, belonging to or at least due to myself and the Squadron, as prize-money: and out of similar funds I repaired the three ships of war, O'Higgins, Valdivia, and Independencia, the brig Araucano and schooner Mercedes at Guyaquil; and revictualled them all at Acapulco, while in pursuit of the Spanish frigates the Prueba and Venganza: and it was by these sacrificies on our part, that we were enabled to continue the chace of those frigates, until they were reduced to such distress, as to be obliged to enter the Port of Guayaquil, where you through your agent, Don Jose Salasar, bribed their Commanders to surrender them to you: and rather than injure the common cause or risk the involving of my Government in hostilities with yours, I forbore from having recourse to force, though remonstrance was unavailing, and submitted to be deprived of those valuable Prizes, which had been driven into your power, not merely by the exertions but actually at the pecuniary expence of myself and the Squadron, for we never have been repaid.

On another occasion, actuated by the same motive of renouncing or at least suspending private interest while engaged in a public cause, I suffered you to rob me of 8000 dollars, my share of a prize, captured by the Chilian State Brig Puerreydon, commanded by Captain Prunior, who at your instigation falsely pretended that he was under your orders and not mine, although himself and his vessel were both placed under my command by the same authority as the rest of the Squadron, and were never at any time (as I can prove by a letter from the Minister of Marine) placed under your's, except by your own usurpation. So much for my avarice, and for your honesty and disinterestedness.

Of your extraordinary prudence in the conduct of military enterprizes I shall now proceed to give a few instances, pursuant to my promise at the commencement of this Paper; a promise which was I in no danger of forgetting to perform, as it relates to circumstances too memorable ever to be forgotten. I at least shall never forget your prudent determination not to comply with my rash proposal of sending a few troops to take possession of the Town of Pisco, and secure the horses, mules, and slaves, on the evening of our arrival with the liberating expedition (September 7th 1820) Neither shall I forget the remarkable caution with which you examined the desert beach for the space of three hours (from six to nine) on the following morning, through a spy-glass from the quarter deck of the O'Higgins, nor your prudence in resolving, that a force should at once be lauded sufficient to overcome all the dangers you anticipated from the fifty Volunteer Cavalry of Pisco, forty-three of whom in a body, with three videttes, actually came in sight and seemed to assume a menacing attitude. Besides these, some heads were supposed to be seen behind the sand hills, but as they afterwards proved to be broken Pisco jars and bits of wood, they were productive of no other warlike effect than that of confirming your determination to cause two solid squares of a thousand men each to be formed upon the beach at Paracca with full five hundred videttes and sharp shooters eight hours before you permitted so much as one single man to advance. Doubtless, you considered that on a burning sand and beneath a vertical sun, it was cooler to stand all day under arms than to march in that position; and perhaps it was delicacy that induced you to forego the merit of this act of prudence, and to cause it to be inserted in your official Gazette that your forces marched at half past two, instead of, as the truth was at sunset in the evening; and consequently, as you further notified, that they entered the town of Pisco that night, instead of, as the truth was, on the following morning, long before which the inhabitants had notice, of which they duly availed themselves, to escape with their Negroes, Cattle, and other moveables, out of the reach of danger. Nor can I ever forget, that while you considered more than half your force necessary for this achievement, you by no means deemed it necessary to accompany it: but in the true spirit of prudence, if not of prophecy, you remained on board to preserve your sacred person inviolate for the future accomplishment of more heroic deeds, After a laspe of fifty days, you were sufficiently refreshed to proceed with prudence with the expedition; but it was not against Lima, or to any situation favorable for an attack on the Capital, that you were desirous to go, as I had foolishly imagined, but to Truxillo; as this was carrying even prudence itself too far. I succeeded in dissuading you from conveying the Troops to so distant a situation from the capital, from which they could neither approach it by land nor return by sea. Having quitted Pisco and re-embarked with the Army on the 28th of October, anchored in Callao Bay on the 29th, remained there one day, and gone to Ancon, you prudently determined, not to debark at that place; as you had also declined to do at Chilca or Chorillas. all these places being too near the capital, a proximity which I was so short sighted as to think favorable for the object of the expedition, but you, who saw further, was resolved also to go further, and therefore after consuming ten days more, on board the Transports at Ancon, during which period the Squadron captured the Spanish Frigate Esmeralda, you insisted on sailing down to Stuacho, where you debarked about the 10th of November and where you evinced yourself so averse to the rashness of risking the lives of your men in an attack upon Lima, which, I however continued to urge you to make, that you formed the resolution of sending 2000 men by sea to Guyaquil, and thus at once to rid yourself of my importunity, and the posibility of complying with it; but against this measure, prudent as it was, I was so fortunate or so unfortunate, as to remonstrate with effect; for it would have enriched myself, however hurtful it might have been to the public cause. It was only however, when your prudence led you to think of sending others into action, (for it never operated to that extent upon yourself) that it was possible to overrule it, for in its more ordinary tendency to do nothing at all it was quite inflexible. Indeed, when the capture of the Esmeralda, the success of General Arenales at Pisco, the accession of the Regiment of Numancia, the emancipation of Truxilo, the independenco of Guyaquil, and in short such a combination of fortunate events as perhaps never before occured in favor of any enterprize, all conspired to invite you to advance, and gratify, the anxious expectations of the whole of the Southern Provinces, by striking the decisive blow that would have liberated the Capital and annihilated for ever the Spanish power in Peru, so resolved were you, not to be dictated to, even by events which men of ordinary prudence would have deemed irresistible, that you not only determined not to advance one step towards a scene of action, so invitingly laid open, but you actually chose that suspicious moment to make a retrogade movement, and falt back with your army from Chancry to Huasco, where you prudently held that memorable Council of War, at which, as is reported (for you so ordered it, that I should not be present) you came to the heroic resolution of *burning all the Transports* in case the naval force under my command should be beaten, which judging from the rashness with which we had so recently captured the Esmeralda, you prudently anticipated as a probable event At the same time you adopted the most effectual precaultion against any catastrophe so disastrous or disgraceful occurring to the Army, by detaining it at Huasca until you had preserved two thirds of your men from the possibility of falling in battle, by securing them a more peaceful and natural death, by means of a Tertian Fever there prevalent. At length, even when your Chiefs were in a state of almost open mutiny, in consequence of your adopting no measure for the termination of the Campaign, your invincible prudence still predominated, and you could not be prevailed on to accept the offer which I made you by letter, to accompany the Cavalry to the gates of Lima, provided you would embark with your Infantry, and take the enemy in the rear by debarking at Chilca. Your prudence, phlegmatic as it was, was startled at the idea of such a proceeding. In fact, from the 10th of November 1820, when you disembarked with the army at Huacho till the 5th of July 1821, when the enemy were starved out of Lima by the vigilant blockade kept up by the Squadron, your perseverance in resisting all temptation to activity, your disregard of the solicitations and indifference to the sarcasms of your Officers your patience under the necessary sufferings and moratlity of your Troops, and your forbearance even from good works: and in short all that constitute your extraordinary prudence shone so transcendantly for so mild a military virtue, that not a spark of any other was visible in your conduct during the whole period, The opportunity however, of displaying your unparallelled caution in its full extent, did not present itself till the evacuation of the City. It was then probably, that you first clearly foresaw the importance of your existence to the future destinies of Peru; and wrapt in the contemplation of that importance, and in the consideration of the surest means of preserving that existence, you stirred not one single step towards the evacuated City; but together with your army remained inactive, invisible, and immoveable. Mean while Captain Hall, of the British Sloop of War Conway, to whom prudence as sublime as yours was utterly inscrutable, and who had not the capacity to perceive the policy and humanity of leaving the interests of society at such a crisis to take care of themselves, went up to the City of Lima, and offered to the Cabida, the services of his marines and seamen, to contribute to the preservation of the peace and the security of property, until you should deem it prudent to order a detachment to advance, which was not until the 9th instant. In the meantime however, you arrived in person, yet not by land, but by sea, and from the deck of the shooner Sacramento, which you were in no haste to quit, you cautiously surveyed for five successive days, the fallen capital, and prudently abstained from entering it until the 14th. Well may you boast, in your leave-taking address to the Peruvians, of being a "fortunate General," but why content yourself with half your praise? Why appear unconscious of that singular prudence for which no other hero was ever so distinguished.

Least of all shall I ever forget, that matchless display of prudence and forbearance which you exhibited on the memorable 10th of September, when the enemy under the command of Cantarac entered and relieved the Fort of Callao. On that day, when having quitted the position you before occupied, which guarded the road to Callao, and retreated under the walls of Lima, you were informed that Cantarac, availing himself of your retreat, was proceeding to Callao, and was then entering a narrow part of the road where his whole force might be annihilated:—then it was, that roused by the clamorous entreaties of your Officers, you not only ordered your Troops under arms, but actually made your personal appearance on horseback. Then too it was, that you called General Las Heras and myself forward, from among some hundreds of Officers and gentlemen, all mounted, ready for action, and anxiously anticipating the triumphs of the day:—and then it was—at that moment, when we expected that you were either about to honour us with a consultation as to the mode of attack, or to communicate your own decision respecting it, that you most condescendingly gave audience to a peasant, who hastily rode up, and with him you conferred on a diversity of subjects, martial and domestic. From him you ascertained, not indeed where the enemy then were, (for that you knew and he did not) but where he had seen them on the preceding day, and whether he himself was married or single. was childless or had children. And on these and other matters of no less importance, he dilated with a copiousness of communication, which, however tedious at such a juncture to hearers of ordinary apprehension, whiled away the time in a manner which to you appeared irresistibly captivating. Nor were you less delighted when this chattering courier drew forth from his pouch, a huncheon of musty bread and rotten cheese, thereby intimating that his anxiety to bring prompt intelligenee had superseded the claims of his appetite by the way. This interesting little incident was a happy theme of panegyric for a hero whose gratitude was never at a loss for words, and who, from resources peculiar to himself, could find even at such a crisis time to give them vent. With rapture you expatiated on the zeal he had displayed, and the diligence he had exercised, bringing you information of so recent a date, respecting the situation of the enemy; and not to detract from its importance. you amiably affected to consider it as the latest possible intelligence of the enemy's situation, and to be perfectly ignorant of any subsequent movement on their part; although, in fact, it related merely to their position on the day before, and although there was not an officer in your army, who was not well apprized of their situation, and proceedings at that instant; and though in the course of that very morning I had repeated, but in vain endeavoured to prevail on you to ascertain, where they were and what they were doing, with your own eyes, from the top of the little hill at the back of your own residence. At length my rashness could no longer forbear from so far opposing itself to your inscrutable prudence, as to compel me to draw my sword half out of the sheath, thereby indicating a desire to *cut short*, the long enduring dialogue still carrying on between the Protector and the Peasant. This hint you indignantly took. and at the same instant took your departure: not to the head of your army. but to the interior of your own house: not

to give battle to the enemy, but audience to fifty old women, to whose long-winded entreaties for the discharge of their sons, nephews, and cousins, you listened with even more than your wonted dignity of deportment and benignity. It was then that my still increasing impatience urged me to entreat a few words with you apart, to communicate what I had again seen from the hill. And I then (it was the last interview I ever had with you,) told you that there was still just sufficient time to send the cavalry at a gallop by the road to Callao, to cut off the enemy's entrance into the Fort, and that the Light Troops might arrive in time by leaping over a few walls, and that your own character and the honour of the army might yet be saved. To which this was your magnanimous reply, "I alone am responsible for the liberties of Peru." And you retired to your chamber to indulge in your customary siesta. It is remarkable too that your repose on that occasion was uncommonly profound. Even the utmost exertions of General Las Heras who left the army still under arms, to endeavour to rouse you from your slumbers could not accomplish that object, until your imagination was struck with the idea, that the hour had arrived for the troops to go to dinner;—then ensued a tragedy, The soldiers, in a paroxysm of rage at being disappointed of a more glorious encounter, fought a Quixotic battle with the sheep, on which they were to dine, furiously attacking and slaying them with their weapons and gaining a victory as bloody and not more easy than that of which your unconquerable prudence had deprived them over the enemies of the liberties and independence of Peru.

In the unabated exercise of similar caution and forbearance you allowed the enemy on the 15th day of Sept. to march off from Callao, with all their treasure and military stores, without attacking or even following them with your army, although the audacity of their conduct and their presumptuous contempt of your courage and talent, did in some degree excite your just indignation; as appears by a Letter which you wrote to me at the time, assuring me that you had taken measures to destroy them all. This destruction of an unbroken army of 3500 men, you had delegated to an officer with a detachment of 800 only (being not the tenth part of the force then at your disposal) and the result perhaps not unnaturally, was favorable to the enemy, who turning on their pursuers with 1000 Cavalry, cut their van to pieces, and put the remainder to flight. Could it have been consistent with your paramount prudence for you the "fortunate General" to have been present in person with the victorious standard of Pizarro, who can say that the result would not have added to that weight of wreaths under which the Chilian New-papers assert you are now reposing! But you know best when you had laurels enough; and could afford occasionally to put a few barren sprigs in the way of your inferiors. Witness the little expedition to Pisco under Col Tristan which was annihilated, and your second expedition which met with the same fate, neither of which could have been designed with any other earthly view than that of conferring on their commanding officers the honor of being beaten by superior numbers. Of this second rate glory you were ever too magnanimous to be personally ambitious. Never fighting but by proxy, whenever there was victory, it was your own; and you cared not to dispute with your substitutes the inferior honors which may be reaped from a defeat. If ever you spoke truth it was when you pronounced yourself a "fortunate General." Was it ever before known that an enemy abandoned a Capital to one who so far from having made one effort to expel them, left his army at a distance of forty miles and could not be prevailed on to take possession even by deputy till three days had elapsed, nor in person till after five days more. Your contribution to this great event consisted solely of a medallion in its commemoration. Not that I deny you the modest merit of its inscription, which saying nothing for the Navy, and but a word for yourself ascribed all the glory to the army *under your orders*. In short you have conquered both by land and by sea, and taken both towns and ships without one personal effort of your own. To all your success you contributed nothing beyond the careful preservation of your own person: and if it be true that you have lost but your *honor*,* you are still fortunate in having lost nothing of which you were truly the owner. Why then may not your name be handed down to posterity as the most fortunate as well as the most prudent General of the age?

After all, your fortune or your prudence as a General is not more deserving of celebration than your policy as a Statesman: so far at least as it consists in saying, writing or swearing one thing, and meaning another, for instance.

You solemnly declared in a public document, that you would leave the Peruvian people to the free choice of their Government, and by means of the bayonet you usurped absolute power.

You solemnly promised protection to the property and persons of the Spaniards; and plundered the former and imprisoned the latter.

You took an oath of fidelity to Chili, erected yourself into an Independent Chief, seduced many of the Officers and Men of the Squadron of Chili to abandon her service, reduced them into your own, in defiance of my repeated and strenuous remonstrances and sought to obtain possession of the whole Squadron.

You solemnly engaged, previous to your departure from Valparaiso with the expedition to reward the seamen with a twelve month's pay, on the surrender of Lima; and you did not pay them a single dollar.

You gave your word of honor to reward the captors of the Esmeralda, and you gave them no reward whatever.

You promised to reward the Officers of the Squadron but you rewarded none except those who abandoned it, or whom you seduced to desert.

You declared in your Gazette of the 17th of August 1821, that the Officers of Chili, were to have Peruvian half pay for their services, and you withheld it.

You decreed a medal in commemoration of their services, but never gave it.

You falsified your engagement with the Officers and Regiments of Numancia.

You deceived the persons composing the Government of Guayaquil, by promises of assistance against General Bolivar; and prevailed on the people to form themselves into a militia in support of your pretensions to authority, but inducing them to believe, that you would form a great arsenal there, and enrich them by the construction of ships of the line and frigates; and you suffered the whole of them to be disarmed, marched down, and embarked on board your own ships of war, in order to conciliate the Ruler of Columbia, and obtain from him some aid to uphold your tottering power in Peru.

You induced the Government of Guayaquil to break their solemn engagement in writing, not to deliver up the frigate Venganza to you, without the consent of the Government of Chili.

You appeared to be the sincere friend of Don Pedro Abadea, so long as you found him necessary to form your commercial regulations. You afterwards employed two priests to entrap him into a correspondence with the enemy into whose hands his valuable property at Pisco had then fallen. You imprisoned and brought him to trial and endeavoured, by rejecting the sentence of acquittal again and again, to procure the condemnation of that excellent and honorable man But the instances of your false and injurious dealings with individuals are innumerable.

Lastly, you never fulfilled your promise to Peru, of clearing the country of the enemy; but abandoned it, when the Capital was in danger, and the southern provinces, still in possession of the Spaniards.

But you cannot even be said to keep faith with yourself. When you had assumed the title of Protector, with arbitrary power, you declared that you would hold your Iron sway until you judged the people fit for a better species of Government; or, at all events, until Peru should be freed from the enemy, and you declared that you would admit of no popular assembly to agitate questions on state affairs, And now, you profess to have voluntarily abandoned the office you assumed, and have actually assembled a Congress, with an enemy at the gates! It is now, however, well understood, inspite of the cajolery of your parting address, that your boasted voluntary resignation, was merely a copy of that of your Minister Monteagudo, who consented to his political death, for the preservation of his natural life.

Setting aside your pre-eminence in the faculty of promise breaking, I am not aware that you remarkably excel in any quality for which Statesmen are usually renowned. It does not appear, during the whole of your inglorious stay at Numantia, that you compensated in the least, for your inactivity as a warrior, by qualifying yourself for the practice of Government. During the whole of that period, you do not appear to have added one idea to your stock of political knowledge, which never comprised more than that solitary but amazingly profound maxim, which you profess to quote from Vattel, that "Every Nation, Sovereign and Independant State, merits consideration and respect;" and even of this you have made no other use than to draw the selfish, and as it has turned out, fallacious inference, that to entitle yourself to respect, you had only to assume independent power. In the whole course of that woeful waste of eight precious months, you appear never to have thought of the necessity of framing or compiling a code of laws, or of determining what code should be selected from those that were already formed. Even your commercial regulations you left undetermined until Callao had surrendered; and then as if their necessity had just presented itself to your mind, all commerce was for two months delayed, until the formation of your crude undefined decrees, which you were almost immediately obliged to revoke. I allow you, however the apology of incapacity, you could not possibly be a legislator for a day; having no idea of any law but your own will that did not change with the hour. What other excuse can you have for abrogating all Law, and substituting none; unless it be, that as a soldier you thought it due to the sword to govern by it, since you had conquered without it; It is notorious that your's was a tyranny of the worst order, a mixture of whatever was ferocious and frivolous, and when you were not occupied in the immediate exercise of vengeance or of oppression, your views were limited and your attention engrossed by the designations of rank, the regulation of procession, ornamented baubles, and the pageantry and trumpery of an Eastern Despot. And the only public work of any magnitude that you appear even to have projected, was that erection of a triumphal arch and monument of brass in honour of your own great name and heroic achievements. The excavation made for the foundation of this monstrous structure, is all the indignant subjects of your short-lived sway may have suffered you to accomplish; and I trust it will be permitted to remain, as a memorial of your egregious and disappointed vanity, and as a warning to all apostates to, liberty and pernicious pretenders to arbitrary power.

However, as I have no desire for that kind of fame which might arise from becoming your historian, though I shall not with-hold the materials in my possession from any abler pen that may undertake the task, I shall now conclude, with expressing my satisfaction, that the whole string of accusations which you have presented against me, through the medium of your Legates, to the Government of Chili, together with the appeals for vengeance with which the libel is interpersed and with which it so earnestly concludes, appear to have been received with contempt, at least in the quarter to which they were addressed, if not with the more lively feeling of indignation against their malignant and calumnious author.

(Signed) COCHRANE.

(Letter referred to, as being annexed)

MY LORD, *Lima, Augt. 13, 1821.*

I have officially answered your letter relative to the disagreeable affair of the payment of the Squadron, which occasions so much uneasiness to us both, because we cannot do that which we wish. Nothing have I here to add, but my protestations that I never have, and never shall look with indifference on any thing which regards you: I told you in Valparaiso that your lot shall be equal to mine, and I believe that I have given you proofs that my sentiments have not changed nor can vary, because every day my acts become more important. No, my Lord, I do not look with indifference on things that concern you; and I should feel grieved should you not wait until I can convince you of the fact If in spite of all this you determine on the step* you intimated to me at the interview we had some days ago, that will be to me a difficulty from which I cannot extricate myself; but I hope that conforming to my wishes, you will consummate the work begun and on which depends our joint fate.

Adieu, my Lord; I repeat to you, with the most sincere esteem, that I am your eternal Friend.

JOSE DE SAN MARTIN.

To the Right Honorable, Lord Cochrane, Commander in Chief &c. &c. &c. Callao Bay.

---

* The word is "life" in the M. S. S. but as the letter is addressed to San Martin it is of course a mistake—ED.

* Alluding to Lord Cochrane's having announced to him his determination to leave the Squadron (unless it were immediately paid) as from its destitute condition and mutinous state he could no longer command it.

English News.

MADRID, Dec. 16.

Sir William A'Court, the British Envoy and Minister Plenipotentiary, yesterday transmitted a note to the Minister of State, informing him that two squadrons had sailed from England, one for Puerto Rico, and the other for Puerto Cabello, with the object of taking these ports into their temporary occupation. It was stated that the measure of sending out these two squadrons to the above-named places, was rendered imperative on the British Government, by the same motive which dictated the previous one of dispatching a squadron to Cuba—namely, to suppress the numberless piracies which were committed in these seas upon the British trade. The Spanish Government had been repeatedly solicited to indemnify British merchants for the injuries inflicted on their property by vessels sailing under the Spanish flag, and to afford guarantees for the future. It had been solicited in vain, and no alternative remained to the British Government but that which it had adopted. This note has created the strongest sensation in Madrid. It is to-day the universal topic of conversation, and it has in fact excited not only surprise, but alarm. It is generally said, that when San Miguel, the Minister of State, read the note, he fainted. This of course is an exaggeration; but it is certain that it has thrown the Ministers into dismay, for an act of this kind, apparently at least hostile on the part of England, in the present critical situation of Spain, is looked upon as decisive of her fate. There are here those who believe that a secret treaty was agreed to by the late Ministers, ceding Cuba to England, in consideration of the claims which had been made on the Spanish Government for piratical depredations committed on British property by vessels bearing the Spanish flag. It is added that the present Ministry have refused to sanction this treaty, but how far this is true I cannot take upon me to say. It is not, however, for the loss of those colonies the people here are alarmed, but for the indication which this measure presents in their eyes, of a resolution taken by the British Ministry, not only to take every advantage of the present weakness of Spain in the South American seas, but to abandon her to her own resources in the great question of her revolution. Hitherto the people have been deluded into a belief that England would support the Spanish Constitution, with her blood and treasure, in case an attempt was made by Foreign Powers to subvert it. This idea has hithereto given the dominant party here prodigious confidence in the stability of their preponderance, and has led them into measures which otherwise they would never have thought of. This moral support, founded on a delusion to which many persons blindly submitted, has at length dropped from under them, and now they see the real extent of the dangers which surround them. *The Courier January* 6.

EFFECTS OF THE EAST INDIA COMPANY'S MONOPOLY ON THE PRICE OF TEA.

We beg leave to call the atenttion of our readers to the following statement o the prices of Tea in London and New York. The prices, in both instances, are *exclusive of duty*. The London prices are those for which the teas sold at the Company's last sale, and lodged in their warehouses, are now selling; and the New York prices are those of the teas in the bonded warehouses, and are literally copied from the "Price Current," published in that City on the 15th November last.

	London Prices. Average.	New York Prices. Average.	Difference
Bohea	2s. 5d. per lb.	0s. 11d.	1s. 6d.
Congo	3s. 2d. ——	0s. 8d.	2s. 6d.
Souchong	4s. 4d. ——	1s. 6d.	2s. 10d.
Teranbay	3s. 6d. ——	not quoted	
Hyson Skein	3s. 4d. ——	1s. 3d.	2s. 1d.
Hyson	4s. 8d. ——	2s. 8d.	2s. 0d.
	17s. 11d.	7s. 0d.	10s. 11d.

The difference in the average of the *five* species of tea, and they are those in general use, quoted in both places, is just 2s. 2d. per pound: And supposing the difference in the other species to be in the same proportion, it will follow, inasmuch as there are about 25 millions of pounds weight of tea annually consumed in Great Britain, that *the East India Company's monopoly costs the British public, in the article of tea only, the enormous sum of* 2,708,750*l.* It is impossible either to controvert or dispute this statement. It is founded on official documents, whose accuracy neither is nor can be denied. Neither can it be contended that the price of tea is naturally higher in London than in New York; on the contrary, we have the authority of some of the best informed and most extensive merchants in the kingdom for saying, that were the trade thrown open, teas could be imported into England for 20 per cent. less than into America. Here, therefore, we have a tax of about THREE MILLIONS *sterling, imposed on one of the prime necessaries of life, for the exclusive advantage of a company of private merchants.* It remains to be seen whether the public will submit to continue to pay such a sum for such a purpose. If they do not exert themselves to procure relief from so scandalous an imposition, with what face can they seek relief from taxes levied for public objects? So long as they submit to have their pockets picked by monopolists, they certainly deserve no favour from the tax-gatherer.

The Morning Chronicle, Jan. 7.

LAW.

COURT OF KING'S BENCH.

WESTMINSTER, DEC. 12.

Sittings after Michaelmas Term before the Lord Chief Justice and a special Jury.

SHARPE, GARDENER, *v.* VIALLS, CLERK.

In this cases six Special Jurors appeared, and the SOLICITOR-GENERAL, for the defendant, prayed a Tales.

The Jury were then sworn.

Mr. PATTESON opened the pleadings. It was an action for a malicious prosecution.

Mr. CHARLES PHILLIPS stated the plaintiff's case. The Jury, he said, had heard from his Learned Friend that this action was brought to recover compensation in damages, in consequence of a prosecution maliciously preferred—that is, preferred without any probable cause to warrant it, from the absence of which, malice, though not distinctly proveable, was still presumable and inferential. "I need not state to you," continued the Learned Counsel, "that the grounds ought to be strong indeed to warrant any man in putting another on his trial on a charge of felony. The principles of Constitutional Law are too well known in England to require any statement on the subject. My charge to day against the defendant is, that he did institute such a prosecution against my client; not only without any probable grounds to warrant it, but upon grounds the most absurd, the most cruel, the most oppressive, and the most capricious—a proceeding not only repugnant to his character as a Clergyman, but detestable in the eyes of every human being. Gentlemen, I feel, however, that I have much to combat in advocating the cause of humble poverty against pampered oppression—I have to charge that oppression upon a character where the virtues and the charities of life ought to be presumed to dwell—I have to fear also, lest the language which I must hold towards the individual may be misconstrued into any disrespect to his venerated profession—most assuredly I mean no such thing—but when I find a man in lofty station struggling to prove that he owes his rank rather to Fortune's blindness than to personal deserving, and when I find him hiding the world's heart under religion's garment, it is my duty to overcome the pain which the exposure gives me—a duty to the rank such conduct has dishonoured—a duty to the Church, thus more endangered by it own professors, than by all that infidelity can urge against it. I shall proceed to detail to you the facts—hear them if you can with gravity—think of them, I trust you will not, without indignation The plaintiff is a poor man living by the labour of his hands. The defendant, Mr. Vialls, is a Clergyman of the Church of England, of ample fortune, and its usual attendant a large establishment. It happened that in October of the last year, the defendant was employed in the garden of Mr. Vialls, as under-gardener, and on the 21st of that month, it being Sunday, he dined with his aunt at Camberwell. They had a small round of corned beef for dinner, and, upon his departure, his aunt, with much hospitality, pressed him to accept a slice of it. He accepted it, returned home, and placed it in an open toolbox in the garden, the usual depository for the under-gardener's dinner. About eleven o'clock the Parson went to take the air in his garden; he proceeded, with the sagacity of an old pointer, to the tool-house, and made a dead set upon the poor man's beef. (Laughter.)—He was not contented with the tithe of it, or he might perhaps have pleaded prescription. (Continued laughter.)—But he swept it at once, entire and wholesale, into his breeches pocket.—(The laughter was here so loud and so prolonged, that one or two sentences quite escaped our efforts to hear them.)—Out of the Doctor's own lips I shall prove this ludicrous disposal of the beef. The poor man was earning an appetite, which it seems even breakfast could not take away from the Parson. The Doctor proceeded directly to his house; he dived at once into the kitchen; follow me" said he to the astonished cook "follow me into the larder, and bring the carving knife with you." (Laughter.)—The cook followed with tremulous apprehension, the scullion retreated in silent consternation. Arrived at the larder, he cast a look at a round of beef which had already done duty in the family—cut a measured slice from it with caution, performed the like operation upon a loaf of bread, and then

walked away without uttering a syllable. "Lord bless us," says the cook, "how hungry my master is—breakfast just over. he's taking to the luncheon." Not for a luncheon, however, was the beef intended; all that day and all that night it was the Parson's companion, and next morning the cook received a summons to attend his dressing room; there, spread out in state, he shewed her the slice he had cut off the round, and the beef he had manœuvred out of the tool box—so cut to match that you could scarcely distinguish between them. "Won't you swear," said the Parson, "that these two slices are from the same round?" "It's impossible that I can," said the cook, "beef's beef all the world over." "I can," said the Parson; "here's a slice that came off my round, and I'll swear it did, because I found it in the tool-box." "Your round," said the cook, "was safe in the larder; the door was locked, and the key was in my pocket." There was a reason too which the Doctor assigned for claiming the beef, and which as it has at least the merit of originality, I shall mention it. Indeed, he repeated it before a Jury. I know the beef to be mine, said he, from its "complexion." Gentlemen, in poetry I have read of the tints of the morning, the verdure of the field, the blush of the rose, and the emerald of the sea, but never until now did I hear of the *complexion* of a cold corned round of beef. I dare say, however, that by and by, the Solicitor-General will ascribe this to my ignorance: he will say that such studies belong not to *my* profession, he will prove, no doubt, that there was a lily whiteness about the udder, and a modest, saltpetre, Aurora like blush about the lean, familiar to the eyes of Doctors of Divinity. Gentlemen, the next appearance of the cook was before a Magistrate, where she distinctly swore to the utter impossibility of any access to the beef without her knowledge, and she solemnly denied that such access was ever afforded. The cook having failed, the butler was resorted to. The Parson produced to him the slice from the round, and asked him whether it was not his property? "No," said the butler. "God bless me," said the Parson, "what a fool you are not to swear to beef! He then produced the slice from the tool-box. "At all events, Joe, you'll have no hesitation in swearing that this and the other came from the same round?" "No," replied Joe, "I'd rather say they did not, because the one is much drier than the other." The old mathematician, when he solved the problem and exclaimed *eureka*, never felt one-tenth portion of the Parson's extasy—"It's the same, Joe, it's the same—it's only dry because I carried it in my breeches pocket," (Laughter.)—His next resource, Gentlemen, was the plaintiff himself. The plaintiff was bewailing the loss of his dinner, little foreseeing he was to be considered as the thief—he told at once that he got the beef from his aunt at Camberwell, but Parson Vialls was not to be satisfied, nor would he even make enquiry. Day after day the man came to his work, and day after day the Parson beset him, tormenting him hourly with the same questions; at length his patience was quite exhausted, and he said, as I am told, in the presence of the butler—"Sir, I'll answer you no more upon the subject; I am ready to prove my innocence before any tribunal in the world." In the meantime, Gentlemen, the beef was hourly affording to the Parson another opportunity of lecturing upon the mutability of human affairs—in other words it was getting musty; despatch was necessary—he sent it down with a strict command that some of the servants should dine on it. I can state this placidly to you, Gentlemen, but you have little idea what a commotion the mandate excited in the kitchen; it produced a domestic, an *intestine* war amongst the household. The butler refused it upon *legal* grounds, as he was to be a witness; the kitchen maid said she had a *moral* scruple, "poor as she was, no parson in the church should make her stomach a receiver of stolen goods;" and the unfortunate cook will tell you that against all Physical nausea and moral disquietude, she actually *bolted* it herself to prevent a revolution in the scullery. (Laughter.)—Will you believe, Gentlemen, that upon these grounds—against the speaking evidence of the man's daily return to work—against the oaths of his own servants—against common sense, merely because he had a cold round in his larder—this prop of the Church, who keeps his lordly mansion, his equipage, and his retinue, determined to prosecute this helpless peasant on a charge of robbery! a charge so laid as to subject him to transportation. Did you ever, Gentlemen, hear of such a case as this? I remember to have heard of one, and but one, which occurred in another country. It was not in Ireland, Gentlemen, though by Mr. Gurney's smiling, he would seem to say so. It occurred in America. About fifty years ago, there dwelt in the most prudent part of the Highlands, a youth of the name of Johnny Hook. He lived there till he came to years of discretion, and then, *of course*, he emigrated. America was the country of his choice, and he took with him all his worldly goods, a little stunted bullock, a dear and apt memorial of the country he was leaving. Soon afterwards the American revolution commenced, and it so happened, that on a luckless night the American army, worn out with toil, encamped on the very hill where Johnny Hook had pitched his tent. Patriotism in all countries is said to be rather hungry, and I grieve to tell it, the sun which rose next morning saw with its evening beam the patriot army dividing the last rib of Johnny's little bullock! The contest went on—battles were lost and battles were won; but the bullock's memory still kept bellowing in the bosom of Johnny Hook. When the independence of the country was achieved, away went Johnny to the capital at once, and indicted the Commissary-General for the robbery! (a loud laugh.) The accused retained as his Counsel Patrick Henry, the inspired peasant of Virginia—a name of glory, never, never to be forgotten by America, while she has a heart for freedom or for gratitude. Johnny Hook swore in the style of Parson Vialls; but Henry touched the chord which he knew would vibrate in the bosom of his countrymen. He painted the rising of the American army, followed them in their progress of privation and of peril, and brought them at last to the very "agony" of their glory! He shewed them, at the consummation of their labours, ranged on their knees before the great God of battles, pouring forth the gratitude of their hearts for the deliverance of their country; and then, gentlemen, when the scene almost lived before the Jury, and they almost saw the forms of their champions, and heard the shout of triumph and the song of thankfulness, he suddenly exclaimed, "but who is this who came to disturb the thanksgiving of the pious, and drowns with his discordant croak the holy anthem of a people's emancipation?—who could it be but Johnny Hook, the Scotchman, bawling for his bullock, through the whole camp, and at every step he took bellowing till he was hoarse—beef! beef! beef!!!—(Much laughter.) In America the name of Johnny Hook will never die; Genius has touched, and made that name immortal—but what was Johnny Hook when contrasted with Parson Vialls?—as a candle to the sun. From the moment that the Parson glanced his keen, worldly, tithe-discerning eye into the poor man's box, his very imagination appears to to have become *bossified*. Throughout all creation he could see nothing but beef! This rounded world, with all its rich varieties, was in his mind nothing but—a round of beef; his roses and his lilies became transformed into bullocks—not a text could he think of except the flesh-pots of Egypt. Beef became to him what ale was to Boniface, his diet and his dream, his garment and his pillow—in short, whether the Parson was eating or thinking, dreaming or preaching, it was all the same—he saw nothing, said nothing, thought of nothing, but beef, beef, beef! The disease, innocent at first, became at last malignant—it excited all his antipathies and all his sympathies, and he vowed by his holy hatred of persecution—by his love of Christian charity and forbearance—by his abhorrence of all sinful appetites in the poor—by his reprobation of all luxury out of the pale of the Church—that he'd—grind—that he'd grind the devoted beef-eater to the dust! If he relented but for a moment, the mutilated round swam across his memory, and with it came the train of its perfections. Oh, it was a round fit for the Rector's appetite—round the very Corporation might have envied—a round to bid defiance to the whole Common Council after a fast-day—

The round was a picture for painters to study,
The fat was so white, and the lean was so ruddy.

And then, gentleman, the Roman indignation burst into soliloquy—"I'll make an example of the miscreant—I'll make it a city business—I'll have the monster tried at Hick's Hall—Ill retain a Judge to prosecute him—the Deputy Recorder shall prosecute him—I'll go further, the Court of Aldermen shall be on the bench, and he shant,' have even a chance, for I'll have him indicted five minutes before dinner—the rascal shall become a perfect Pythagorean, and take a distaste to the whole animal creation—(Laughter)—even in Botany Bay he wo'nt have the hardihood to look a bullock in the face—(continued laughter)—So far, gentlemen, this may appear a jest, and as such so far you see I have been willing to treat it. But what will you say when I tell you that he actually put it into practice? What will you say when I tell you that he took three whole days to deliberate, and then, though the poor man returned to his garden to his daily work as usual, actually, had him arrested on a charge of felony! Yes, when the poor peasant, with all the boldness natural to innocence, day after day presented himself before him—when he was bending in toil over the sluggish soil of its more insensible proprietor, he had him arrested on a charge of robbery! And who did this—a man of wealth—a man of God!—the very "Dives" of the Bible, "faring sumptuously every day," and grudging to poverty even the crumbs from his table! Who was the Magistrate before whom he brought him? A Serjeant at-Law—his own fatherin-law!—the son-in-law accused, and the father-law com-mitted him; and, indeed, they were right not to let the glory of the achievement go out of the family, Imagine, gentle-

men, you behold the spectacle—the Parson swearing to the complexion of the penny worth—the butler endeavouring to coax him into reason—the cook maintaining the inviolability of the larder—the Serjeant threatening to bundle her out of the office, until at last, amid the Babel of the contest, and the alternate ascendancy of "beef!" "Church!" "Newgate!" and "Botany Bay?" he was confined to five hours' imprisonment by these twin ornaments of Law and Divinity. At length his friends heard of his situation—he was then necessarily admitted to bail, and bound over to meet his charitable "Pastor Master" at the Sessions. Let us pause here, gentlemen, and reflect on the situation of my client during the interval. Turned out of his serviee on a charge of robbery—that robbery, the robbery of his own master—unable to procure employment under the doubt—obliged to expend the last shilling of his little savings, amounting to 20l., in preparations for his defence---with many weeks before his innocence could be vindicated, and with the certanity that even in case of his acquittal the fact of his having been tried would cling to him for ever--,weigh these sufferings of a poor man, and then say what a rich man and a guilty man should pay for their infliction. The interval, however, might have had its valne---it might have awakened in the prosecutor some compunctions, of humanity—did it do so!—no—for four weeks did he brood over the serpent egg of his malignity; for four weeks, night after night, did he lay his head upon his pillow, after praying to the Almighty (if such men ever pray) to be forgiven on the terms of his own forgiveness! I will suppose for a moment the worst against my client---I will suppose that the charge might have been true, and that the poor man, goaded by hunger, and tempted by opportunity, had taken the rich man's beef, "value one penny"—ought he not, as a Minister of the Gospel, to have forgotten and forgiven it---ought he not, as a man, to have thanked the Power that had placed him above temptation, and dropped a tear of pity for the unfortunate! But when it was false, false on the very face of it---adopted upon grounds which even a drivelling idiot would have dicountenanced, and stubbornly persevered against the combined oaths of every one consulted, in what terms shall we express our disgust and indignation? At length the long-expected Sessions came—at ten, to a moment, the Parson was in attendance—day after day he missed not a minute--at least for half their period, upon the steps of the prison-house, was this sleek emblem of orthodoxy to be seen, elbowing the thieves and convicts as they passed, and piously preparing to add an innocent man to their number. He was saved all trouble in procuring his attendance---he surrendered himself at once, not attended merely by his bail, but by the indignant crowds who had known him from his infancy, and who pressed forward to attest the industrious honesty of his life. The cause was called on, and without compunction did this Reverend Clergyman, upon no other grounds except those I have stated, depose to a charge of felony against my client: His wealth---his rank---his character—his sacred station—all were thrown into the scale againgt the poor man. What mattered it that he had risen to industry with the morning sun, and that its brightest noon could not reveal a speck upon his character! What mattered it that he had smoothed the sorrows of a parent's age!—There stood a Minister of the Gospel—a man whose functions placed him above suspicion—there he stood, with the very book in his hand from which he should preach the forgiveness of injuries, burning on him the brand of an ungrateful felony! Awful to the poor man, assuredly, was that moment; his country, his liberty, his character (the poor man's only wealth) at hazard—his friends, his neighbours, the little world in which he lived—all were the witnesses of his degradation. If he was convicted, the utmost penalty of the law must have fallen upon him, and fallen justly, because, to the civil crime a breach of trust was added; even on an acquital privation must have followed the expenses he was put to! a fearful issue! but what did it signify to this follower of the Apostles. The poor man might have rotted in a dungeon; but he had a splendid palace in which to riot. The poor man might have tossed upon his truss of straw; but he had his canopy and bed of down. The poor man might have traversed the returnless ocean—a felon's brand upon his brow and a felon's shame amongst his kindred; but he had the luxuries of life around him—the hoarded coffer and the groaning board, to some souls, (the poet tells us) ample compensation for the scorn of mankind. Gentlemen, do I use strong language? I am not ashamed to do so in this rascally transaction. I mean not to use measured language. Though when I meet a Minister of the Gospel, such as a Minister of the Gospel should be, with the patent of his election stamped upon his life—humble amid the homage which his merits gain him—poor, like the dying Fenelon, from his charities—pious, not in his preaching, but in his acts—a link, as it were, between the earth which he instructs and the heaven to which he leads, teaching the happiness of the one and typifying the purity of the other—thongh I can admire such men even in my inmost heart, yet I will not extend my reverence to that *vermin sanctity* which burrows its way under the foundations of our Church, and eats the bread of the shrine it has endangered. Gentlemen, I need scarcely tell you the result of the prosecution. The prosecutor swore, as might have been expected, to the identity of the beef—to the bread—and after establishing his full claim to the pennyworth, he called up the household to corroborate him. One of them has been turned out of his service since, the other has a second opportunity to-day. What they swore then, I take it for granted they will swear now; and if they do, I defy any man of conscience to say that this man had probable gronnds for his prosecution, recollecting as you will that all was communicated to him before the Sessions, may, before the arrest. What was the result? the Jury rose indignantly, interposing between the accused and the mortification of a defence—he was at once acquitted. Parson Vialls departed, happy, I would have supposed in the escape of innocence, if he had since offered the slightest compensation—if he had even tendered the expenses to which his caprice had put my client; but he has not done so; he chooses again to come before the public, again to meet, I trust, the merited rebuke of an honourable Jury. The only point in which such a man can be made to feel is in his purse, and I hope it will at last be opened to the claims of the poor. The trial over, my client followed his prosecutor, and departed; but how different? the one went to his lordly mansion, the other to his home of desolation—the one exclaiming *populus me sibilat*; the other ruminating on all the woes to which poverty is subject, and the wickedness which may thrive even under a consecrated garment. The day of retribution, however, is at last arrived; and at your honest hands I confidently claim it. I claim it, not merely for expenses incurred—for imprisonment endured—for character involved—for oppression exercised—but I claim it, in addition, for the agony of mind which the plaintiff must have suffered when he saw himself attainted before the world as a felon. But if I wanted an aggravation in this case, do I not find it in the station of the defendant—in that education which should have ameliorated his heart—in that wealth, of which, as a Clergyman, he should have been the almoner of Heaven—in that sacred office which should have pressed on him the assumption of benevolence?—What would the world say, and naturally say, when they saw such a prosecutor? Would they not say, that glaring indeed must have been the guilt which forced him thus to depose to it.—Would they believe that it was assumed upon grounds too ridiculous for credulity—grasped at, at first, with a disgraceful promptitude, and afterwards pursued with as disgraceful a perseverance—got up by a family arrangement—dragged before the public against all evidence—againt the daily return of the accused to work—against the impossibility of access—against the dissimilarity of the article—against the unanimous testimony of every witness who was examined. Gentlemen of the Jury, I shall leave this case to you; if you think that innocence should be accused—character involved—expense accumulated—imprisonment endured, and felony imputed upon grounds like these—dismiss my client;—but if you hold probity in respect, though it be clothed in rags; and oppression, in horror, though it be robed in lawn—I call on you to say so by your conscientious verdict.

Mr. Butler, clerk to Mr. Harmer, the attorney, produced the record of the acquittal of James Sharpe, the prosecutor. The charge was for stealing four ounces of beef, the property of the Reverend Thomas Vialls, of Twickenham. Witness was present at the prosecution, and produced a note of Mr. Vialls' evidence.

Solicitor-General—Did you take a note of the whole of the evidence?---No.

Solicitor-General—Then I submit this witness cannot be examined.

Witness said he could repeat the whole from memory.

The Solicitor-General persisted in objecting.

The Lord Chief Justice overruled the objection.

Witness proceeded—He said that on the 22d of October, last year, he was walking in his garden. On looking among the tulips, among some cloths used for keeping seed in, he discovered this slice of beef; that he was struck with its appearance, and supposed his servants were at their old tricks; he took it into the kitchen, and cut a slice off his own round, dressed the day before, and, on comparing it, he said he had no doubt it came off the same joint, from the complexion; that the man refused to admit he cut it from his round, but stated that he got it at his auut's, at Camberwell; and that Sharpe refused to tell him his aunt's name. Joseph Wilson, his butler, was called, but could not identify the beef.

Mr. Philips asking the witness what Wilson said—

The Solicitor-General objected.

Mr. Philips asked—Did Vialls swear it came off his round of beef.

Witness—Yes; he said the two slices tallied so exactly he had no doubt they came off the same round of beef. Mr. Arabin, the Deputy Recorder, held the brief.

Cross-examined by the Solicitor-General—He said that Sharpe refused to give the name of his aunt, when he (Vialls) offered to take a drive to Camberwell and see the aunt. Vialls' expences were 17l. 2s. 8d. exclusive of the witnesses.

Mr. Webster produced the original copy of the Record by which it appeared the Rev. Thomas Vialls was the only witness.

Mrs. Baldwin examined by Mr. Philips—Knows James Sharpe—on Sunday, the 21st October, 1821, he dined with witness.

The Lord Chief Justice—Are you his aunt?—Yes, my Lord.

What had you for dinner?—Boiled beef.

Who else dined?—My son; and on Sharpe's going away he gave him some slices of beef and bread, for his dinner next day.

Cross-examined by Mr. Gurney—Should not suppose they were half an inch thick—they were as I usually cut a slice for eating—the slice of bread was off a half-peck loaf.

Re-examined by Mr. PHILIPS—Was the beef you had for dinner juicy or dry ?—It was dry. Sir.

John Sharpe, son of last witness, met William Sharpe, his cousin, at his mother's, on the 21st of October—had boiled beef for dinner, and on his going away witness gave him some for his dinner next day.

Charlotte Eden examined by Mr. PHILLIPS—Witness lived with Mr. Vialls, as cook; her father is a coachmaker and wheelwright at Twickenham; as cook, had care of the larder, and always kept it under lock and key.

Mr. PHILLIPS—I need not ask you if you recollect the round of beef?—O yes, very well; recollects on the 22d of October master desiring her to follow him into the larder with a knife—she unlocked the door, and her master cut a slice off the round of beef; it might be twelve o'clock, just after breakfast; he wrapped it up in paper, with a slice of bread; he compared the slice of bread with the loaf. Witness saw the slice of bread and beef afterwards, next morning, in his dressing-room; he unwrapped them, and said he had been walking in the garden, and in the gardener's tool-house he had found them; he said he was sure the gardener could not get it unless some of the servants gave it him. This round had been dressed the day before, on the Sunday; it was a juicy piece of beef. Witness examined them both—the difference was very perceptible—gave her master her opinion at the time,, that one was well boiled, and the other under boiled---told him his beef was always kept under lock and key. Witness never gave Sharpe any beef, or to any person to give to him—nothing of the kind—told her master so at the time. These slices he brought down, laid them on a dish in the larder, and ordered them to be brought out next morning for the servants' breakfast—on the Tuesday. Witness had lived with Parson Vialls about two months. He has a handsome house---he keeps nine servants, a carriage and four horses, and is a man of fortune.

Cross-examined by the SOLICITOR GENERAL—Does not know how long he had resided in that neighbourhood; witness was not dismissed; but a few days afterwards her father sent for her home; the loaves used by Mr. Vialls were peck-loaves; her master compared the bread with the loaf, as well as the slice of beef.

Re-examined—The reason that her father fetched her home immediately was in consequence of his having heard that her master had accused her of giving away his beef and bread.

In examining this witness, Mr. Phillips repeatedly called the defendant "Parson Vialls." The Lord Chief Justice begged him to omit this epithet, as it was unworthy of his talents and taste. Mr. Phillips, in explanation, said that the epithet was not considered as reproachful in the country from which he came; and that he intended no offence by using it.

Richard Andrews, who was a labourer in the garden of Mr. Vialls at the same time with the plaintiff, said he used to take his dinner, and hang it up in a basket in the tool-house. There were drawers in the tool-house, which were open, and the door also was open. Sharpe usually put his dinner in the drawer.

Thomas Andrews, who had occasionally worked on the premises, corroborated the last witness as to the place in which the workmen kept their dinners. When he went away he gave up his drawer to Sharpe.

This was the case for the prosecution.

The SOLICITOR-GENERAL addressed the Jury for the defendant. He was not surprised at the tone and temper in which the case was conducted, extraordinary as they were, because he was led to expect them by all he had heard and seen of this transaction. Some individuals connected with the plaintiff had some strange influence over the public press, which they had set in motion in a most singular way against the defendant. He the more deeply regretted this, because he was personally acquainted with the man who had been thus assailed; he had witnessed the tenor of his life; he, and several of his Learned Friends who surrounded him, had known him from his boyhood, had run the same course of youthful study, and had cherished this intimacy in the progress of maturer years. After the unmeasured abuse which had been heaped on this gentleman—after every epithet of reproach which the English language afforded had been heaped upon him—after he had been designated as a "vermin of sanctity," and pronounced to be the only parallel to Dives in the Gospel, it might not be improper for him (the Solicitor-General) to declare, that a man more respectable in every relation of life, more generous, more charitable, and more humane, did not exist in his Majesty's dominions. Notwithstanding the great mass of abuse which had been introduced into this cause, the simple question for the Jury to decide was, whether Mr. Vialls had been actuated by malice in prosecuting the plaintiff. It was not enough to show an acquittal, which might result from the absence of witnesses, from reasonable doubts, to the full benefit of which the accused is always entitled, and from a thousand circumstances not implying guilt in the individual preferring the charge. Was there any evidence of malice in this case—any suggestion even of a cause whence such a feeling could arise? The prosecutor was a gentleman of easy fortune, the plaintiff was a day labourer; there was no proof of any quarrel or dissatisfaction on either side, whence resentment could be excited in the mind of Mr. Vialls towards one in so different a sphere. In the conduct of this case, not only had his Learned Friend Mr. Phillips lent himself to the expression of feelings which every one must deplore, but he had given reason of complaint in the substantial conduct of his case, in omitting to call Wilson, to whom he had alluded, and who, if called, would have thrown no inconsiderable light on the origin of the proceedings. Another specimen of the manner in which the case was conducted, would be found in the reflections cast on a most respectable Magistrate, which there had been no attempt to substantiate by proof. When he reprobated these things, he did not mean to impute to his Learned Friend any blame, as he had no doubt followed the instructions given by his client, except that he had lent himself a little too much to feelings which deserved utter reprobation. When the Jury looked at the evidence, could they say that there was not probable cause for the prosecution? They would recollect that when Sharp told Mr. Vialls that he had received the beef from his aunt at Camberwell, the defendant asked her name, and said he would ride over to her and ascertain the truth, but the plaintiff refused to tell her name. Was not this refusal to justify himself completely, reasonable ground for strong suspicion of guilt? It was not the smallness of value of the particular article discovered which should influence a master in a case of this kind, when he might believe himself as an object of perpetual plunder, and might feel all the misery of doubt respecting the characters of those beneath his roof. Then it had been urged as an aggravation, that a Judge, the Deputy-Recorder, was employed to prosecute—as if any man could imagine that the circumstance of a counsel appearing for a prosecution who held an office, might influence a jury to find the man he prosecuted guilty. But with this mighty piece of oppression, Mr. Vialls had no concern; for he had retained Mr. Bolland, who was his companion at the University, and, as Mr. Bolland was accidentally engaged in another place, his brief was held by Mr. Arabin. He could not in such a case waste the time of the Court by saying a word respecting damages, because he felt assured that if the Jury looked at the evidence, and not at the inflammatory and unsupported statements of counsel, they would feel it their duty to return a verdict for the defendant.

The LORD CHIEF JUSTICE informed the Jury, that the law applicable to the case had been correctly stated by the Learned Solicitor-General who last addressed them. In order to support an action for a malicious prosecution, it was necessary that two things should concur—a malicious intention, and the want of all probable cause. Neither of these was sufficient alone; because a man might maliciously institute a well-founded prosecution, in which case, though he would not be innocent, the party accused would have no right to redress; or a man might institute a prosecution, *bonafide* relying on the information of others fairly entitled to his credence, which afterwards might turn out to be groundless. But though the Jury must be convinced that the prosecution was both malicious and groundless, yet the absence of all probable cause might be so plain as to furnish a fair inference of improper motive. Before he recapitulated the evidence, it was right that he should notice something which had occurred in the conduct of the case. The Counsel who had conducted the plaintiff's case with extraordinary talent, had, in his opening, thrown out reflections against a Magistrate known to many gentlemen in the Court, which he did not afterwards attempt to sustain by evidence. It was due to the Learned Counsel to presume that, when he rose to address the Jury, he expected that he should be supplied with proof of those statements, but still it was unfortunate that he had made them.

The Learned Judge then read over the evidence, and left the Jury to say whether, in the absence of all direct proof of malice, the want of probable cause for the prosecution was so complete as to lead them to infer that the defendant must have been actuated by unworthy motives.

The Jury, in less than five minutes, returned a verdict for the plaintiff—Damages, Fifty Pounds, to the satisfaction of a crowded Court.

The verdict, of course, established the malice.

EXECUTION.

On Monday the sentence of the law was carried into effect, at Pennenden Heath, near Maidstone, upon *John Smith* convicted at the last Assizes of murder.

We have now to record one of the most remarkable instances of mental abstraction that perhaps has ever been manifested under the awful circumstances of deliberate murder. About a fortnight ago the prisoner sent for a gentleman, of Maidstone, who attending the summons, received from the prisoner a vehement injunction to make public what he called a history of his life. The surprise of the gentleman may be conceived, when, on examining the paper, he discovered it to be a concise narrative of the place of the prisoners's birth; his propensities; and, finally, his motives for committing the murder, described in doggrel verse.—Although the production of an illiterate man, it is truly astonishing that the mind of a man nearly fourscore years could by any possibility, under circumstances so peculiarly awful, for a moment be so abstracted from his situation as to admit of so extraordinary a production. The levity of the concluding lines is not the least striking part of this extraordinary effusion.

The original, which is in the hands of Mr. Agar, has been followed *literatim* and *verbatim*, as follows:—

Lines dictated by John Smith aged 78 years, who was executed on Pennenden Heath, on Monday, December 23, 1822, for the Wil-

ful Murder of Catherine Smith, at Greenwich, on the 4th of October last.

In the County of Wicklow I was born'd
but now in Maidstone die in scorn
I once was counted a roving blade
but to my misfortune had no trade
women was always my downfall
but still I liked and loved them all
a hundred I have had in my time
when I was young and in my prime
women was always my delight
but when I got old they did me slight
a woman from London to me come
she said with You I would fain remain
if you will be constant Ill be true
I never want no Man but You—
and on her own Bible a Oath did take
that she never would me forsake
and during the time that I had Life
she would always prove a loving Wife
and by that Means we did agree
to live together she and Me—
but soon her vows and Oath did break
and to another Man did take
Which she fetch'd home with her to lay
and that prov'd her own destiny
So as Jack Smith lay on his bed
this notion strongly run in his Head
then he got up with that intent
to find her out was fully bent
swearing if he found out her Oath she'd broke
he stick a knife into her throat
then to the Cricketers he did go
to see if he could find it out or no
not long been there before she come in
with this same fellow to fetch some Gin
then with A Knife himself brought in
immediately stabb'd her under the Chin
and in five minutes she was no more
but there laid in her purple gore
Now to conclude and end my song
Both I and she are dead and gone

Bell's Weekly Messenger Dec. 30.

ACCIDENTS OFFENCES, &c.

MURDER OF JAS. SMITH, ESQ. OF LEWISHAM.

Monday afternoon Mr. Carttar, the Coroner, and a Jury, consisting of twelve respectable inhabitants, assembled at the Green Man Tavern, on Blackheath, to enquire into the death of the above unfortunate gentleman, who was shot by a robber on the morning of Sunday, the 22d instant. They proceeded to the late residence of the deceased, and, on their return to the Jury-room. the following witnesses were examined. Previous to the commencement of the examination.

Mr. Carttar observed that he had taken the deposition of Mrs. Smith at her house, which she had sworn to before the Jurors, whilst viewing the body. It would, therefore, spare her feelings, which were already deeply wounded, not to call her again before them. The Jury were of the same opinion, and the Coroner proceeded to read her statement.

Mrs. Jemima Smith. widow of the deceased, sworn.—On Sunday morning, the 22d instant, about three o'clock, I was in bed with my husband in our usual sleeping room, and was awoke by a very strange noise in or about the house. Being unable to understand what it was, I awoke my husband, who was fast asleep, and told him directly my suspicions, when he immediately got up and put on his coat, and went into the adjoining room; I followed him as fast as I could; but, before I could get into the room, I heard him raise the sash of the window, and at the same moment I heard the report of a gun or pistol. The deceased immediately screamed out, and said, "I am shot! I am shot through the heart!" He then walked into the bed room, and I observed a great deal of blood had flowed from the wound he had received, as well as in the room where he was shot. He presently told me he had seen a man in the garden, who must have discharged a gun or pistol at him, and also another man under the window at which he was wounded, and that both immediately run away. He said he did not know either of them, but one appeared to be dressed in a pepper and salt coat. Alarm was immediately given in the neighbourhood, and proper medical assistance was obtained. The deceased languished from the time he was wounded until Saturday night, and then expired.

Robert Papworth sworn.—I am about fourteen years of age, and was servant to the deceased. On Saturday night, the 21st instant, about half-past nine o'clock, I took up the supper, at which time my master was not at home, but soon after he came in. I opened the door for him. He had been out to spend his evening as was his usual custom. Soon after ten I went to bed. I do not think my master went to bed before me; he generally sat up to read the newspaper. Early next morning (Sunday) I was awoke by a noise, but whether it was a report of a pistol or not I cannot say. It was between two and three o'clock, as well as I can recollect, On my awaking, I jumped out of bed, and looked out of the window into the garden; I there saw an object in the shape of a man, standing a short distance from the wash-house. I hallooed to him, and the object disappeared.

Coroner: Was the reason you hallooed out because you was impressed with an idea that the object you saw was a man?

Witness: It was. I saw his head; he stood about a yard from my window. I did not see his face; he ran away immediately upon my calling out "What do you do there?" He was off before I could utter the words. At this moment I was called to by the maid servant, who said my master had shot himself, and she desired me to run for a surgeon. I dressed myself as fast as I could, and first went to inform my father of the circumstance, and from thence I went for the doctor. On my way up the lane, I saw two watchmen standing near their boxes. I told them my master had shot himself. I then went for Mr. Rose, the surgeon, and he returned with me to my master. I did not see my master then, nor yet my mistress.

Thomas Hawley, one of the watchmen, was called, and having been sworn, stated that on the morning of the murder he heard the report of a pistol, but knew nothing of the circumstance till the last witness told him his master had shot himself, upon which he immediately went down to the house of the deceased, and rang the bell; he was admitted by the maid-servant, who appeared much agitated. He went up stairs, and found the deceased lying on the bed, bleeding very much from his breast. He remained in the house for nearly two hours.

This witness was in a state of inebriation when under examination, and was severely reprimanded by the Coroner.

On his cross-examination, he admitted that it was ten minutes from the time he heard the report of fire-arms, till he went to the house of the deceased; and on being asked why he did not go immediately to ascertain the cause, he said if he had, perhaps he might have been shot too,

The Coroner told him he was not fit for his situation, and he would take care to have him discharged. In all probability, if he had run immediately he heard the report towards the cottage of the deceased, he would have discovered the murderer.

Juror; Did you see any suspicious character about from the time you went on duty till the time you heard the report?

Witness: I did not see any person whatever during that time.

Juror: Where is your watch-box situated: and at what distance is it from Mr. Smith's house?

Witness: It stands in Dartmouth-row—about 130 yards from the cottage.

Juror: It appears very surprising that you should make a delay of nine minutes *before* you proceeded to the house after you heard the report of fire arms?

Witness: I went down directly I was told what had happened by the boy Papworth. I had no right to go off my beat.

[Here the witness was again reprimanded by the Coroner for the flippant and insolent language he indulged in, and desired to quit the room forthwith.] Several of the Jurors expressed a wish to have some evidence of the attempt at burglary.

The Coroner informed them there were several witnesses in waiting that would prove that fact, but he conceived their testimony unnecessary, as the felony would be completely made out in the investigation they were then pursuing.

Mr. Clement Rose was then called and sworn.—I am a surgeon, and reside in Coldbath-row, Greenwich. About three o'clock on the morning of Sunday, the 22d instant, I was called to the deceased, who, I understood from the messenger, had shot himself. I went immediately to his residence, and found him on his bed, with some part of his dress on—viz. his coat.

He told me he had been wounded by some thieves that had attempted to break into his cottage. I removed his dress, and found a gunshot wound in the biceps muscle of the left arm; he was enveloped in gore, and was in a very distressed stat. The deceased mentioned the name of Coleman the whole of the night, and several times the next day.—[Here we should observe that a noted character named Coleman is now in custody on suspicion of being concerned in the atrocious deed.]

The Coroner said he feared he was not justified in hearing an *exparte* statement against any individual whereby he would be criminated, without that person was present. He conceived it unjust to take it behind his back. It was the judgment of all the Coroners; but, however, he would hear the evidence, and should it appear that Coleman was at all implicated, he would adjourn the enquiry till he could be present.

Juror: This is a Court of Inquiry, and I think the Coroner is bound to receive any information tending to further the investigation, whether it should impeach any person or not.

Coroner: If the man was even abroad, I should have no hesitation in hearing any thing against him; but he is in custody.

Witness was again called, and continued his testimony.—I asked the deceased how he came wounded; he said that he heard a noise in some part of the house; he went directly to the window adjoining the bed-room, with a loaded pistol in his hand; he threw up the sash of the window, and saw two persons in the garden, one standing under the window, in a pepper-and-salt coloured coat, and the other was about ten yards from the window, in the dress of a blacksmith. He said the person that shot him put his hand before his face, as if to disguise himself. He said he did not know he was wounded till he saw the blood. He saw the men run away, but he did not say in what direction.

Juror: Did he say Coleman had shot him?

He did not. I asked him if he suspected any person and whom? His answer was "Coleman." He mentioned no other name. I had no further conversation on the subject. He was always mentioning Coleman. He gave no other account of the transaction. I believe the deceased made a declaration before he died.

Juror: Did he mention the name of Coleman in that manner that led you to suspect he was the murderer?

It had that impression on my mind. The deceased did not say where Coleman lived, nor did he give any other account of him, nor did he during his subsequent illness. I continued to attend him, with Messrs. Sheriff and Lucas,

till the time of his dissolution, which was on Saturday evening last. Since his death I opened the body, in the presence of the aforesaid medical gentlemen. I discovered that the ball had passed through the biceps muscle of the left arm, entered the pectoral muscle of the left side, passed under across the chest, within an inch of the sternon; it then dipped the thorax, fracturing the fourth rib of the left side. in its passage wounding the left lung, passed out of the thorax on the right side, and was found deeply seated in the axilla. I am of opinion that the above wounds were the immediate cause of his dissolution.

[Here the bullet was produced to the Coroner and Jury. It was of a very large size, and appeared to be a musket-ball.]

Mary Brooger, the maid-servant, was called and sworn.—I was in bed and asleep; the report of the pistol awoke me, and when I went down stairs, my mistress told me my master had been shot by some villains. If my master had not been wounded, I should not have known the noise that awoke me was the report of fire-arms. I went to the boy Papworth, and told him his master was shot. I did not say he had shot himself. I saw no person about the cottage.

A Juror asked the Coroner if the evidence of the medical gentleman, as far as regarded Coleman, could be received before them.

Coroner: That part of his evidence is the declaration of the dying man, therefore it cannot be received before a Coroner's Jury. It would be admissible before another tribunal. Whatever has been said respecting Coleman, cannot affect the verdict you will have to deliver. Mr. S.'s declaration will assist the police in their operations to trace out the perpetrators; but if even that gentleman had actually said Coleman was his assassin, his statement alone could have no effect whatever on the verdict.

Mr. Benjamin Smith, the nephew to the deceased, was sworn.—I frequently communicated with my deceased uncle, during his illness, but he never divulged to me who was his murderer; all he said was, that he was a "blacksmith-looking chap."—The investigation being closed.

The Coroner summed up the evidence, in doing which he called the attention of the Jury to the deposition of Mrs. Smith, the widow of the unfortunate gentleman, wherein she states that her deceased husband said that he knew neither of the men. This had been confirmed by Mr. Smith, his nephew. These circumstances must therefore be considered by them, in returning their verdict, and must annihilate from their minds, whatever appearances might be, all suspicion against any individual. He presumed the case was unfortunately too plain for them to come to any other verdict than that of murder; but that was for them to decide, and return their opinions accordingly.

The Jury, without a moment's hesitation, returned a verdict. "That the deceased had been inhumanly murdered by some person or persons at present unknown to us Jurors."—The enquiry commenced at two o'clock, and did not terminate till seven.

Coleman, the man suspected of the murder, was apprehended on Thursday se'nnight, in consequence of his having been seen in Lewisham with a centre-bit and stick in his possession on the afternoon of Saturday, previous to the murder being committed. He was also drinking at half-past twelve o'clock on that night, at the Black Horse public-house, at Rushy-green, about two miles beyond Mr. Smith's house. His account of himself when he was apprehended was given in such a questionable manner, that the magistrates ordered him to be remanded. Coleman is by trade a blacksmith, and is a most notorious character. There has been no proof as yet, that the centre-bit and stick, left by the villains in the garden, were the same seen in the possession of Coleman. He denies all knowledge of them. He underwent another examination on Wednesday at Greenwich, before the Bench of Magistrates. The reward of 100*l.* has been increased to 300*l.* for the apprehension of the perpetrator of the horrid deed, and we sincerely hope it will be the means of bringing the vile assassin to condign punishment.

The Observer, January 5.

THE LEWISHAM MURDER.

Yesterday a meeting of the Magistrates took place at Greenwhich, to resume the examination of John Coleman, who is in custody upon strong suspicion of murdering Mr. James Smith, in the night of Saturday the 21st of December.

Some of the evidence was the same as that taken before the Coroner, as to the fact of Mr. Smith having been murdered by persons who were disturbed in their attempt to break into Mr. Smith's house; and that one of the window-shutters of the parlour had been bored in four places with a centre-bit, which centre-bit, in the hurry of quitting the premises, the assassins had left behind them.

Coleman had deliberately given an account of himself on the Saturday and Sunday when the murder was committed, and his account was that he went to the Black Horse, Rushy-green, at half-past nine o'clock on Saturday night, and remained there till after 12; that he then went to the Bull and Butcher at Deptford, and arrived there about one o'clock, and went to bed and slept there. He stated, that when, in the afternoon of Saturday, he went from Rushy-green to Deptford, he had under his arm a centre-bit, and one was produced which Coleman stated was the one he was so carrying.

This account was this day contradicted in several points by witnesses. One witness swore positively that the centre-bit now produced by Coleman was not the one he was carrying on Saturday afternoon, but that the one found at the late Mr. Smith's resembled that which he was carrying. (The one found at Mr. Smith's is nearly a new instrument—the one produced by Coleman very black, old, and dirty.

Another witness states, that she sleeps at the Bull and Butcher, in a room through which Coleman must go in order to get to his room, as his is an inner room through hers, and there is only one door of communication with the stairs from the two rooms. This witness swears that she went to bed between 12 and 1 o'clock on Saturday, the 21st of December, and locked and bolted her door; that she did not get up till 1 clock on Sunday afternoon, and then she found the door still locked and bolted; so that Coleman could not, as he had affirmed, sleep in the inner room and leave it on the Sunday morning.

The lock she admits is a very bad one, and though she has every reason to believe it did lock when she turned the key upon going to bed; yet she would not undertake to say, that when she turned the key it might not miss catching the lock, as she did not try if it was locked; but after turning the key to unlock the door in the morning, she pulled the door for the purpose of opening it, when she found that the bolt was still undrawn, and she was obliged to draw it before she could get the door open.

The above are the material contradictions to the account given by Coleman of himself, and were the two principal points upon which it was material his account should have been confirmed and corroborated beyond all suspicion.

The centre-bit found upon Mr. Smith's premises on the night of the murder, and with which the holes in the shutter had been bored, was also produced, which was clean, and had the appearance of being almost new. Upon its being examined by the Magistrates, it had the appearence of the bit having been filed, in order tomake it fit the stock; and this appearance was so accounted for by one of the witnesses.

A man residing at Rushy-green deposed that the said stock and bit (which together formed the carpenter's tool call a centre-bit) resembled very much a stock and bit offered to him for sale by John Coleman, on Saturday the 21st of December; and the witness at the time particularly remarked that the bit did not fit the stock.

A quantity of files and plough tools were produced by the constable, Larking, which had been detained by Ouzman. the landlord of the house occupied by Coleman at Rushy-green, for rent due from Coleman to him; and those tools he (the landlord) had detained on the 21st, when Coleman left his house there.

A part of these tools had been offered by Coleman to one of the witnesses (Rowlett) for sale, a very short time before the murder of Mr. Smith.

Another witness swore, that about five or six weeks ago, his shop at Deptford was broken open, and great quantity of files, centre-bits, and ploughs were stolen there from, and amongst the rest was the stock of a centre-bit without any bit to it; and this witness now identified the stock of the centre-bit left by the assassions upon Mr. Smith's premises, and the files offered for sale by Coleman, and the ploughs distrained upon Coleman's premises by Ouzman, as a part of the instruments stolen from his shop when the same was broken into about five or six weeks ago.

Such was the principal, but not all, the evidence given, Upon this evidence, which forms a strong ground of suspicion against Coleman, the Magistrates have committed him to Maidstone gaol to take his trial; and it is only astonishing that, in a case of murder, where no property was taken away to assist the discovery, and no living witness has been found who saw the assassins at the time, or after the murder was perpetrated, so much circumstantial evidence has in so short a time been got together.

Another person, a relative of the deceased, and a notoriously bad character, is still in custody; but as the Magistrates only went upon the examination of Coleman, we are not informed what evidence there may be to criminate him.

We may, however, express our conviction, from the vigilance which is used in analyzing and following up every grain of evidence which is capable of furnishing a clue to the discovery of Mr. Smith's murderers, that any accomplice concerned will, nay must be eventually brought to justice.

[*The Courier January*, 7.

Digitized with financial assistance from the
Government of Maharashtra
on 28 June, 2017

Poetry.

THE YOUNG POET DYING AT A DISTANCE FROM HOME.

O bury me not in yon strange spot of earth—
My rest never sweet, never tranquil can be!
But bear me a way to the land of my birth,
To a scene, O how dear, and how pleasant to me!
If you saw how the sunbeams illumine the mountains—
How brightly they lie in the glen that I choose—
Could the song of its birds, and the gush of its fountains
Through *your* souls the rapture and freshness diffuse,
Which erst, in life's morning, they shed over *mine*—
O, your hearts would confess, it is all but divine.
* * * * * *
I know it—the grave which to me you assign,
Is black in the shade of your dreary church-wall,
Where nettle and hemlock their rankness combine,
And the worm and the sullen toad loathsomely crawl.
O! where is the primrose, so meet for adorning
The grave of a minstrel cut off in his bloom?
O! where is the daisy, to shed in the morning
The tear it has gather'd by night, for my doom?
And lastly—but dearer than anguish can tell—
Where, where are the friends that have loved me so well?
* * * * * * *
See! one aged mourner comes, trembling, to place
A weak, wither'd hand on the grave of her son—
See! Friendship, to tell how I strove in the race,
But died ere the chaplet of glory was won—
And Beauty—I plaited a wreath for that maiden
When warm was my heart and my fancy was high—
See! Beauty approaches, with summer-flowers laden,
And strews them when nought but the blackbird is nigh!
Thus, thus shall I rest, with a charm on my name,
In the shower-mingled sunshine of love and of fame!

XIII.

Written after seeing Maid Marian performed.

Oh, for the days of the bow and the spear,
And the hawk and the hound and the good red deer!
I rather would dwell in the forest bower
Than in princely hall or in knightly tower,
Amid hearts as free as the shaft of their bow,
The tall oaks above, the soft grass below.
Oh, down and the purple canopy,
Are not worth the shade of the greenwood tree!

My Love would look well in the Lincoln green,
With his blade, and his bow, and his arrows keen;
And the hazel glance of his falcon eye
The maiden would love, and the warrior fly.
I would ask no gems but the flowers of spring,
No music but what the birds could sing;
And we'd lead a life like a fairy tale,
As free and as fresh and as light as the gale.
Oh, sweet and wild the hours would be
We past in the shade of the greenwood tree!

Oh, cities are all of smoke and care,
And gold is the curse that is laid on all there,
And feelings grow cold, and hearts lie dead,
And the fresh leaves of hope are wither'd!
But sweet is the cry when the wild buck bells,
And sweetly the horn of the hunter swells;
And life is of love and of liberty,
When past in the shade of the greenwood tree!

L. E. L.

Varieties.

"——————— So we'll live,
"And pray, and sing, and tell old tales, and laugh
"At gilded butterflies and hear poor rogues
"Talk of Court news; and we'll talk with them too
"Who loses and who wins; who's in, who's out
"And take upon us the mystery of things.
"As if we were God's Spies."——— SHAKSPEARE.

MICHAEL DOCHERTY,

A SOLDIER OF *MISS*-FORTUNE.

(From the Review of Garden's Anecdotes of the American Revolution, in the North American Review for October.)

The character of the soldier of fortune, so inimitably well drawn, and which constitutes the chief merit of the popular tale, "A Legend of Monotrose," has been considered altogether imaginary, and the careless facility with which he changed sides, and embraced opposite principles, regarded as the sportive invention of the author's brain. I will briefly relate the adventures of a sentinel in the Continental Service, as received from his own lips, and leave it to my readers to determine whether the character of Dalgetty, "though it never did, might not have existed."

At the moment of retreat, on the 12th of May, 1782, when Colonel Laurens, commanding the light troops of General Green's army, beat up the quarters of the enemy near Accabee, Michael Docherty, a disinguished soldier of the Delawares, said to a comrade who was near—"by Jasus, it does my heart good to think that little blood has been spilt this day, any how, and that we are likely to see the close of it without a fight." No notice was taken of his speech at the time, but meeting him shortly after in camp, I inquired, "how *he*, who was so much applauded for uncommon gallantry, should have expressed so great delight on finding the enemy indisposed for action." "And who, besides myself, had a better right to be pleased, I wonder," said Docherty. "Wounds and captivity have no claims for me, and Michael has never yet fought, but is bad luck would have it, *both* have been his portion. When I give you a little piece of the history of my *past life*, you will give me credit for my wish to be careful of the *past that is to come*. I was unluckily from the jump. At the battle of Brandywine, acting as Sergeant of company in the Delaware regiment, my Captain killed, and Lieutenant absenting himself from the field for the greater safety of his mother's son, I fought with desperation till our ammunition was expended, and my comrades being compelled to retire, was left helpless and wounded on the ground, and fell into the hands of the enemy. Confinement was never agreeable to me. I could never be *aisy* within the walls of a prison. A Recruiting Sergeant of the British, who was at home in his business, and up to all manner of cajolery, by dint of perpetual blarney, gained my good will, slipped the King's bounty into my hand, which I pocketed, and entered a volunteer into the 17th regiment. Stoney Point was our station, and I thought myself snugly out of harm's way, when one ugly night, when I did not even dream of such an accident, the post was carried at the point of the bayonet, and an unlucky thrust laid me prostrate on the earth. It was a great consolation, however, although this was rather rough treatment from the hand of a friend, that the Old Delawares were covered with glory, and that, as their prisoner, I was sure to meet the kindest attention. My wound once cured, and white-washed of my sins, my ancient comrades received me with kindness; and light of heart, and hoping to gain any quantity of laurels in the south, I marched forward with the regiment, as a part of the command, destined to recover the Carolinas and Georgia. The bloody battle of Camden, fought on the 16th of August, bad luck to the day, brought me once again into trouble. Our regiment was cut up root and branch, and poor Pilgarlic, my unfortunate self, wounded and made prisoner. My prejudices against a gaol I have frankly told, and being pretty confident that I should not a whit better relish a lodging in the inside of a prison-ship, I once again suffered myself to be persuaded, and listed in the infantry of Tarleton's Legion. O, botheration, what a mistake. I never before had kept such bad company; as a man of honour, I was out of my *element*, and should certainly have given them legbail, but that I had notime to brood over my misfortunes, for the battle of the Cowpens quickly following, Howard and Old Kirkwood gave us the bayonets so handsomely, that we were taken, one and all, and I should have escaped unhurt, had not a dragoon of Washington's added a scratch or two to the account already scored on my unfortunate carcase. As to all the miseries that I have since endured, afflicted with a scarcity of every thing but appetite and mosquitoes, —I say nothing about them. My love for my country gives me courage to support that, and a great deal more when it comes. I love my comrades, and they love Docherty. Exchanging kindnesses, we give care to the dogs; but surely you will not be surprised, after all that I have said, that I feel *some qualms* at the thought of battle, since, take, *whatever* side I will, I am always sure to find it the *wrong* one.

Meridians of Greenwich and Paris.—Observations for finding the distance between the meridians of Greenwich and Paris, commenced in the autumn of last year upon the French & English coast. Lamps of unusual magnitude were employed as signals, and were distinctly seen across the Channel. The operations are carried on under authority of the French and English governments; and the gentlemen engaged in this scientific undertaking are Messrs. Arago and Matthien, of the Royal Academy of Sciences of Paris, and Captain Kater and Major Colby, Fellows of the Royal Society of London. These latter gentlemen are continuing their observations, and are at Shooter's Hill near Greenwich, having for several months past given their exclusive attention to this important work.

BOMBAY—PRINTED FOR THE *PROPRIETORS*, BY M. D. CRUZ, IN RAMPART ROW No. 4.
WHERE ADVERTISEMENTS, ESSAYS, POETICAL PIECES, ARTICLES OF INTELLIGENCE, &c. &c. WILL BE THANKFULLY RECEIVED.
Gentlemen about to change their stations are requested to give notice to the PRINTER, *who will pay due attention to their orders.*